

The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Sixth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	James R. Knight
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Emily Lipovan Holan
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, OCTOBER 26, 2005

No. 4794

CITY COUNCIL

MONDAY, OCTOBER 24, 2005

The City Record

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Address all communications to
VALARIE J. McCALL
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; _____ Vice Chairman; Brady, Cimperman, Johnson, Kelley, Knight, Polensek, White, Zone.

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 24, 2005

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

Council Members present: Brady, Cimperman, Cintron, Coats, Conwell, Dolan, Johnson, Kelley, Knight, Lewis, Polensek, Sweeney, Westbrook, White and Zone.

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Bishop F. E. Perry, of Cathedral Church of God in Christ, located at 2940 Martin Luther King Jr. Boulevard in Ward 4. Pledge of Allegiance.

MOTION

On the motion of Council Member Conwell, the minutes of the last

meeting were dispensed with and the journal approved. Seconded by Council Member Cimperman.

COMMUNICATIONS

File No. 2007-05.

From the Office of Equal Opportunity — Certified MBE's and FBE's Quarterly Report. Received.

File No. 2008-05.

From the Office of Equal Opportunity — Deletions from OEO Database. Received.

File No. 2009-05.

From the Office of Equal Opportunity — Denials of Certifications — Third Quarter, 2005. Received.

File No. 2010-05.

From the Department of Public Utilities — Cancel request to table legislation — Ordinance No. 1015-05. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2011-05.

Re: New Application — 0288357 — Arts Collinwood Enterprises, LLC, 15605 Waterloo Road. (Ward 11). Received.

File No. 2012-05.

Re: Transfer of Ownership Application — 9956778 — ZMD's Inc., d.b.a. Envy Lounge, 2132 West 25th Street, first floor. (Ward 14). Received.

File No. 2013-05.

Re: Transfer of Ownership Application — 7308212 — Reserve Grocery LTD, d.b.a. Reserve Square Food Market, 1701 East 12th Street, first floor, suite rear 120. (Ward 13). Received.

File No. 2014-05.

Re: Transfer of Ownership and Location Application — 7634550 — Rutulian LLC, 1303 West 6th Street. (Ward 13). Received.

File No. 2015-05.

Re: Transfer of Ownership and Location Application — 7641783 — SLFH Project I, LLC, d.b.a. Failte, 17015 Lorain Avenue. (Ward 21). Received.

File No. 2016-05.

Re: Stock Transfer Application — 19449310025 — Dave's Supermarket, Inc., d.b.a. Dave's Supermarket, 7422 Harvard Avenue, building 2. (Ward 12). Received.

File No. 2017-05.

Re: Stock Transfer Application — 19449310015 — Dave's Supermarket, Inc., 3565 Ridge Road. (Ward 16). Received.

File No. 2018-05.

Re: Stock Transfer Application — 19449310030 — Dave's Supermarket, Inc., 2700 Carroll Avenue, upper level & basement. (Ward 13). Received.

File No. 2019-05.

Re: Stock Transfer Application — 19449310035 — Dave's Supermarket, Inc., 3301-51 Payne Avenue. (Ward 13). Received.

File No. 2020-05.

Re: Stock Transfer Application — 19449310010 — Dave's Supermarket, Inc., d.b.a. Dave's Supermarket, 15900 Lakeshore Boulevard. (Ward 11). Received.

File No. 2021-05.

Re: Stock Transfer Application — 19449310055 — Dave's Supermarket, Inc., d.b.a. Dave's Shaker Square, 13130 Shaker Square. (Ward 4). Received.

File No. 2022-05.

Re: Stock Transfer Application — 2831198 — 4096, Inc., d.b.a. Chillies Market, 4096-98 East 131st Street. (Ward 2). Received.

OATH OF OFFICE**File No. 2023-05.**

John C. Myers — oath of office — member of the Board of Zoning Appeals. Received.

Pursuant to Council Rule 41-1, Ordinance No. 1780-05 is hereby referred back to the Finance Committee for hearing and review on Monday, October 31, 2005.

CONDOLENCE RESOLUTIONS

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

Res. No. 2002-05—Annie M. Jones.
Res. No. 2024-05 — Angeline Desone.

CONGRATULATION RESOLUTIONS

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

Res No. 2025-05—Sandra Pianalto.
Res No. 2026-05—Nick Mileti.
Res No. 2027-05—Gaetano Cecchini.
Res No. 2028-05—Alfred Cianflocco, M.D.
Res No. 2029-05 — José C. Feliciano.
Res No. 2030-05 — The Kiwanis Club of Cleveland.
Res No. 2031-05—Connie Schultz.
Res No. 2032-05—Matt Talbot Inn.

RECOGNITION RESOLUTION

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

Res No. 2033-05—Carole and David Carr.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 1989-05.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Hines Company to encroach into the public right-of-way of Superior Avenue by installing, using, and maintaining 16 bollard lights and 7 planters at 1100 Superior Avenue.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to the Hines Company (and mailing address) ("Permittee") to encroach into the public right-of-way of 1100 Superior Avenue by installing, using, and maintaining 16 bollard lights and 7 planters, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Sublot No. 8 through 10, in J.M. Woolsey's Allotment of part of original Two Acre Lots Nos. 156 to 167, as shown by the recorded plat in Volume "N" of deeds, Page 486 of Cuyahoga County Records and a part of Payne Avenue N.E. (80 feet wide) Vacated by ordinance No. 1016-68 passed June 3, 1968 as shown by the recorded map in Volume 204 page 11 of Cuyahoga county Records.

Beginning at the intersection of the southerly line of Superior Avenue N.E. (132 feet wide) and the westerly line of East 12th Street (66 feet wide), thence N 34° 05' 12" W along the northwesterly prolongation of said westerly line of East 12th Street 25.5 feet to the principal place of beginning;

1. Thence southwesterly parallel with the southerly line of Superior Avenue N.E. S 55° 42' 39" W, 198.335 feet;

2. Thence N 34° 05' 12" W, 7.00 feet;

3. Thence parallel with the said southerly line of Superior Avenue N.E. N 55° 42' 39" E, 198.335 feet to the prolongation of the said westerly line of East 12th Street;

4. Thence S 34° 05' 12" E, 7.00 feet along the said prolongation of the said westerly line of East 12th Street to the principal place of beginning and containing 1388.35 square feet of land and subject to all legal highways and easements of record.

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building

Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

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

Ord. No. 1990-05.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Marvin Avenue to Civic Builders.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent No(s). 015-08-144, as more fully described below, to Civic Builders.

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

P. P. No. 015-08-144

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 188 in J.S. Edwards' Subdivision of part of Original Brooklyn Township Lot Nos. 55 and 66, as shown by the recorded plat in Volume 6 of Maps, Page 15 of Cuyahoga County

Records, and being 40 feet front on the Northerly side of Marvin Avenue, S.W., and extending back of equal width 126 feet to the Southerly line of Woodbridge Court S.W. (14 feet wide) in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1991-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 89th Street to The Kevanna Group, 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 No(s). 119-09-015 and 119-09-017, as more fully described below, to The Kevanna Group, Inc.

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

P. P. No. 119-09-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 392, and bounded and described as follows:

Beginning on the Easterly line of East 89th Street at a point 90 feet Southerly measured along said Easterly line from its point of intersection with the Southerly line of Hough Avenue N.E.; thence Southerly along said Easterly line of East 89th Street, 45 feet; thence Easterly on a line parallel to said Southerly line of Hough Avenue N.E., 135 feet; thence Northerly on a line parallel to said Easterly line of East 89th Street, 45 feet; thence Westerly 135 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 119-09-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 392, bounded and described as follows:

Beginning in the Southerly line of Hough Avenue N.E., at a point 135 feet Easterly from its point of intersection with the Easterly line of East 89th Street; thence Easterly along the Southerly line of Hough Avenue, N.E. 38 feet 5 inches to the Northwesterly corner of Sublot No. 1 in Holden and Adams' Re-Allotment of part of S.V. Harkness' Allotment as shown by the recorded plat of said Re-Allotment in Volume 26 of Maps, Page 24 of Cuyahoga County Records; thence Southerly along the Westerly line of Sublot No. 1, 135 feet; thence Westerly parallel with the Southerly line of said Hough Avenue, N.E. about 36 feet 6 inches to the Southeasterly corner of premises conveyed to Mary J. Kelly and William A. Kelly by deed recorded in Volume 2185, Page 553 of Cuyahoga County Records; thence Northerly along the Easterly line of said premises so conveyed and along the Easterly line of premises conveyed to the Hertz Realty Company by deed recorded in Volume 2551, Page 57 of Cuyahoga County Records, 135 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance

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

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

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

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

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

Ord. No. 1992-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Harlem Court to Lula Blevins.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent No(s). 104-23-055, as more fully described below, to Lula Blevins.

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

P. P. No. 104-23-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 160 in C.A. Post Trustee's Subdivision of part of Original Ten Acre Lot Nos. 127, 128 and 129, as shown by the recorded plat in Volume 11 of Maps, Page 37 of Cuyahoga County Records, and being 27 feet front on the Northwesterly side of Harlem Court N.E., (formerly East Court), and extending back of equal width 133.59 feet to an alley in the rear, 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 con-

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of

Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 1993-05.

By Council Member Zone.

An ordinance changing the Use District of property on the northwest corner of Franklin Ave. and W. 65th St. to a Local Retail Business District and changing the Use, Area and Height Districts of property located on the east side of W. 65th St. from Franklin Avenue, including the north side, to Bridge Avenue to a Two Family Residential District, a 'B' Area District and a 'I' Height District (Map Change No. 2168, Sheet 1).

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

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

Beginning in the centerline of Franklin Avenue at its intersection with the centerline of West 65th Street;

Thence Westerly along the centerline of Franklin Avenue to its intersection with the Southerly prolongation of the Westerly line of Sublot No. 65 in the Gordon Avenue Subdivision as shown by the recorded plat in Volume 21 of Maps, Page 2 of Cuyahoga County Records;

Thence Northerly along said Westerly line to its intersection with the Northerly line thereof;

Thence Easterly along said Northerly line to its intersection with the Westerly line of Sublot No. 53 in said Subdivision;

Thence Northerly along said Westerly line and its Northerly prolongation to its intersection with the centerline of West Clinton Avenue;

Thence Easterly along said centerline of West Clinton Avenue to its intersection with the centerline of West 65th Street;

Thence Southerly along said centerline of West 65th Street to the place of beginning.

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

Section 2. That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning at the centerline of West 65th Street at its intersection with the centerline of Bridge Avenue;

Thence Easterly along the centerline of Bridge Avenue to its intersection with the centerline of West 64th Place;

Thence Northerly along said centerline of West 64th Place to its intersection with the centerline of Ellen Avenue;

Thence Westerly along said centerline of Ellen Avenue to its intersection with the Southerly prolongation of the Easterly line of Sublot No. 218 in the Gordon Avenue Subdivision as shown on the recorded plat in Volume 21 of Maps, Page 2 of Cuyahoga County Records;

Thence Northerly along said prolongation and Easterly line to its intersection with the Southerly line of Sublot No. 216 in said Subdivision;

Thence Easterly along said Southerly line to the Easterly line thereof;

Thence Northerly along said Easterly line and its Northerly prolongation to its intersection with the centerline of Franklin Avenue;

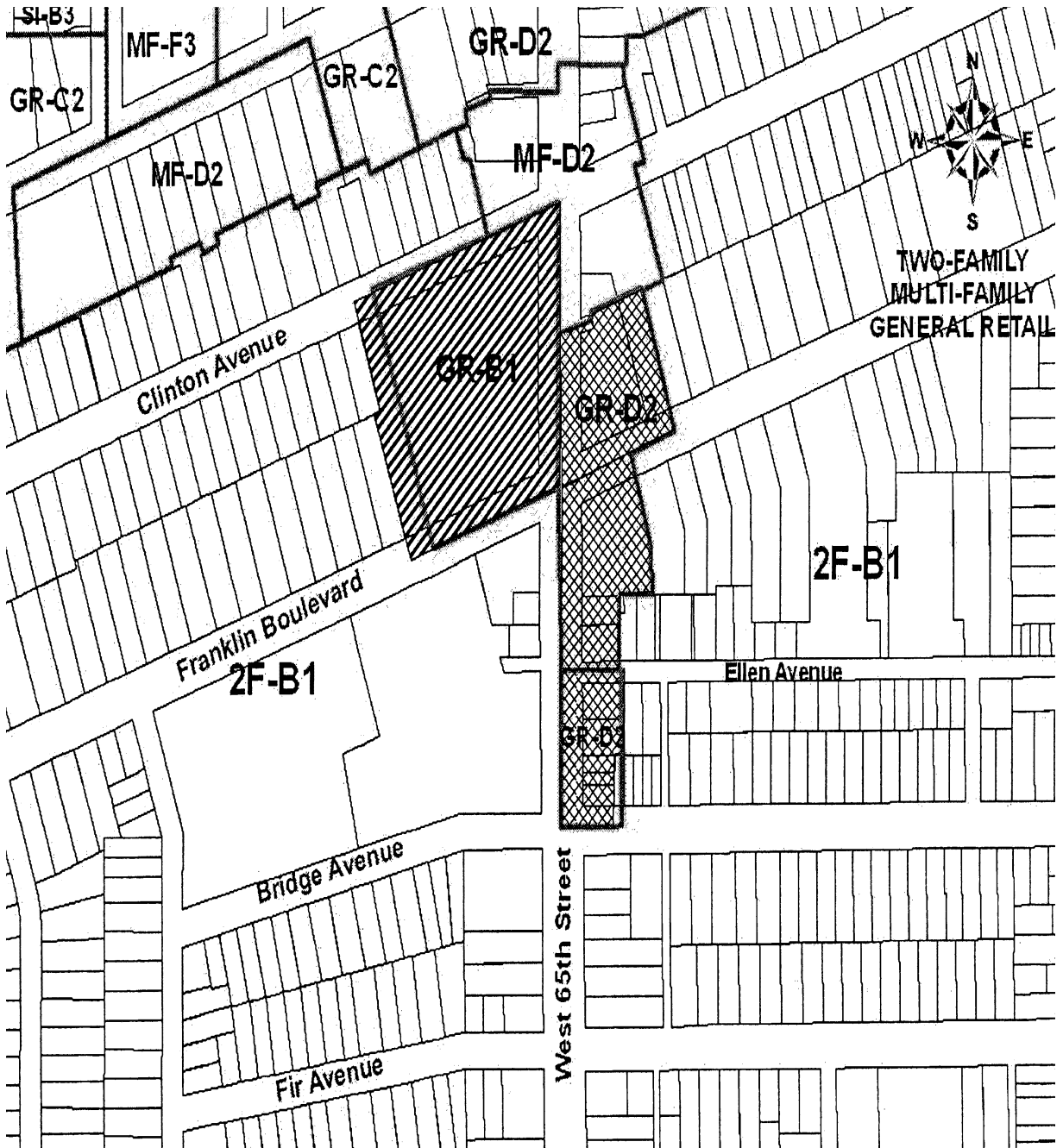
Thence Easterly along said centerline to its intersection with the Southerly prolongation of the Easterly line of Sublot No. 209 in said Gordon Avenue Subdivision;

Thence Northerly along said Easterly line and Southerly prolongation to its intersection with the Westerly prolongation of the Southerly of Sublot No. 203 in said Subdivision;

Thence Westerly along said Westerly prolongation to its intersection with the centerline of West 65th Street;
 Thence Southerly along said centerline to the place of beginning.
 and as shaded on the attached map is changed to a Two Family Residential District, a 'B' Area District and a '1' Height District.

Section 3. That the changed designation of lands described in Section 1 and 2 shall be identified as Map Change No. 2168, 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 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



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

Ord. No. 1994-05.

By Council Member Britt.

An ordinance to change the zoning of the rear 50 feet of 8110 Carnegie Avenue from Local Retail Business to Semi-Industry (Map Change No. 2169, Sheet 5).

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

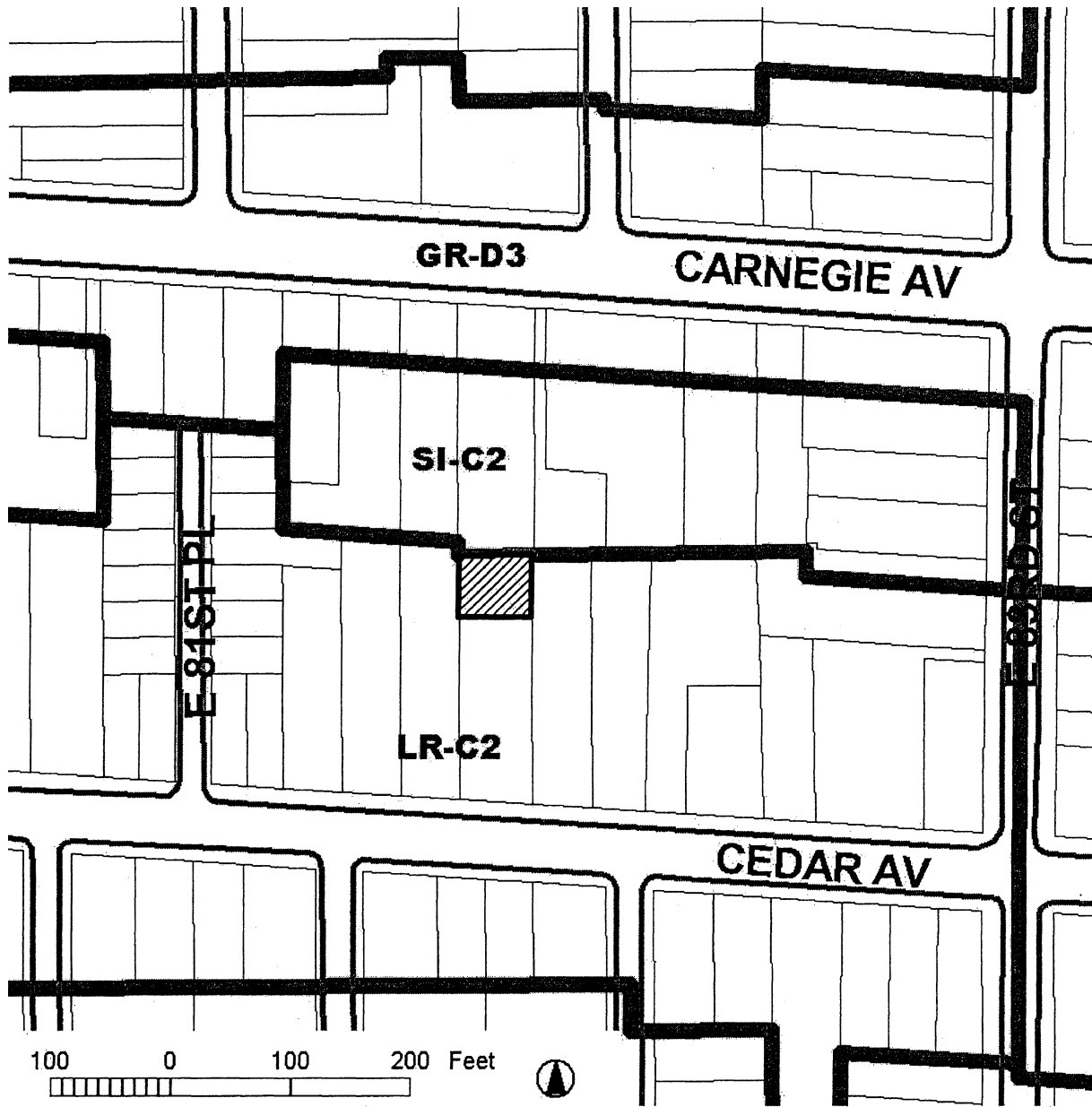
Section 1. That the Use, Area and Height Districts of lands bounded and described as follows:

Being the rear 50 feet of a parcel of land conveyed to the City of Cleveland by deed dated February 9th, 1981 and recorded in Auditor's File Number V81156010325 of Cuyahoga County Records (also being known as Permanent Parcel Number 119-21-048),

and as shaded on the attached map is changed to a Semi-Industry District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2169, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

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

Ord. No. 1995-05.

By Council Member Dolan.

An emergency ordinance amending Section 2 of Ordinance No. 299-02, passed February 25, 2002 as it pertains to authorizing the Director of Economic Development to enter into an agreement with Kamms Corners Development Corporation for creating and preserving jobs and employment opportunities through the use of Ward 21 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 299-02, passed February 25, 2002 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$260,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 299-02, passed February 25, 2002 is hereby repealed.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1996-05.

By Council Member Knight.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Harvard Community services Center for their Clean Sweep program in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Harvard Community services Center for their Clean Sweep program in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not

to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1997-05.

By Council Member Knight.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Harvard Community Services Center for their Senior Computer Training program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Harvard Community Services Center for their Senior Computer Training program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1998-05.

By Council Member Knight.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Harvard Community Services Center for providing Homebound Meals in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Harvard Community Services Center for providing Homebound Meals in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1999-05.

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

An emergency ordinance amending Section 2 of Ordinance No. 1210-04 passed June 14, 2004 as amended by Ordinance No. 1902-05, passed October 17, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with African American Music Association, Inc. for "You Won't Foul out with an Education" Program through the use of Ward 2, 8, 9 and 20 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1210-04 passed June 14, 2004 as amended by Ordinance No. 1902-05, passed October 17, 2005 are hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$9,600** and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 1210-04 passed June 14, 2004 as amended by Ordinance No. 1902-05, passed October 17, 2005 are hereby repealed.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 2000-05.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Gallop for Kids Run, on December 11, 2005, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Gallop for Kids Run scheduled by Hermes Sports & Events, on December 11, 2005, with the Run beginning at Juvenile Court (East 22nd), right on Cedar, right on East 30, left on Central, right on East 40th, right on Woodland, right on East 22nd, right on Community College Avenue, left on East 24th, left on Central, right on East 22nd, finish in front of the Court, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 2001-05.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 2005 OSU Michigan Pigskin Classic 5K Run, on November 19, 2005, scheduled by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the OSU Michigan Pigskin Classic 5K Run scheduled by Hermes Sports & Events, on November 19, 2005, with the Run beginning at West 6th to Superior, Superior to West 9th, West 9th to Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside to East 9th, East 9th to Lakeside, Lakeside to West 9th, West 9th to Superior, Superior to West 6th, West 6th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2003-05.

By Council Member Johnson.
An emergency resolution withdrawing objection to a New C1 Liquor Permit at 9400 Buckeye Road and repealing Resolution No. 1191-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 9400 Buckeye Road by Resolution No. 1191-05 adopted by the Council on June 6, 2005; and

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

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

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

Section 1. That objection to a New C1 Liquor Permit to Paulette D. Stewart, DBA T Tampa's Mini Mart, 9400 Buckeye Road, Cleveland, Ohio 44104, Permanent Number 8465187-0005, be and the same is hereby withdrawn and Resolution No. 1191-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 2004-05.

By Council Member Knight.
An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit at 4501-05 Lee Road, and repealing Resolution No. 1563-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1, C2 and D6 Liquor Permit to Shreeji One, LLC, DBA Super One Market, 4501-05 Lee Road, Cleveland, Ohio 44128, Permanent No. 8112879, by Resolution No. 1563-05 adopted by the Council on August 3, 2005; 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 a C1, C2 and D6 Liquor Permit to Shreeji One, LLC, DBA Super One Market, 4501-05 Lee Road, Cleveland, Ohio 44128, Permanent Number 8112879, be and the same is hereby withdrawn and Resolution No. 1563-05, 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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 2005-05.
By Council Members Conwell,
Reed, Cimperman, Coats, Knight,
Westbrook, Zone, Brady and White.**

An emergency resolution encouraging the state to support businesses that provide assistance to parents of children with disabilities.

Whereas, the incidence of U.S. children and teenagers with a disabling condition has tripled to 7% from 2% in 1960; and

Whereas, today, an estimated one in 12 U.S. workers has a child with a disability or special need; and

Whereas, stigma and fear of reprisal have kept many workers from disclosing their family situations; and

Whereas, having a child with a disability requires time and effort to find and manage treatment, forcing 30% of parents to quit or cut back at work; and

Whereas, few parents, however, can afford to cut back: over 40% of families with special-needs kids have financial problems because of care costs; 60% of children with special needs rely on their parents' employers for health insurance; and

Whereas, there are some companies that have instituted support groups or have formed parent-networks for parents of special needs children; and

Whereas, a few companies have even expanded insurance coverage for special-needs kids; and

Whereas, in order that more businesses provide much needed assistance to workers who have special needs children, the state should do what it can to ensure that such businesses are supported; 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 encourages the state to support businesses that provide assistance to parents of children with disabilities.

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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 2006-05.
By Council Members Zone, Sweeney, Conwell, Knight, Lewis, Cimperman, Brady, Westbrook and Coats.
An emergency resolution supporting Senate Bill 85 and encouraging the Ohio Senate to pass Senate Bill 85.**

Whereas, bankruptcy is a middle class family issue as a family with children is three times more likely to file for bankruptcy than a fami-

ly without children and the typical bankruptcy filer is middle class with an above-average education and owns a home; and

Whereas, new federal bankruptcy legislation took effect on October 17, 2005 that makes it considerably more difficult for Ohio's working families to climb out from an ever-growing mountain of debt caused predominantly by medical bills, job loss, and divorce; and

Whereas, this new federal bankruptcy legislation allows state legislatures to increase the amount of equity filers may have in their homes and cars; and

Whereas, passage of Senate Bill 85, "The Fighting Chance for Working Families Act of 2005", raises the home and auto equity exemptions in Ohio law to match those at the federal level; and

Whereas, Senate Bill 85 would increase the amount of equity a married couple has in the home from \$10,000 to \$30,000 and the amount of auto equity would increase from \$1,500 to \$2,500; and

Whereas, the current state limits were established more than two decades ago when the average home price in the state was between \$40,000 and \$50,000; and

Whereas, failure to pass Senate Bill 85 will result in more Ohio middle class families losing their homes to foreclosure; and

Whereas, increased home foreclosures result in the deteriorating of residential neighborhoods; 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 supports Senate Bill 85 and encourages the Ohio Senate to pass Senate Bill 85 as it raises the home and auto equity exemptions in Ohio bankruptcy law to match those exemptions at the federal level.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to all members of the Ohio Senate.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**SECOND READING
EMERGENCY ORDINANCE**

Ord. No. 1645-05.
By Council Members Cimperman, Pierce Scott and Jackson (by departmental request).

An emergency ordinance declaring improvements to certain parcels of real property to be a public pur-

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

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

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

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

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

Amendments agreed to.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1282-04.
By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 71st Street to Marie Walkem.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1020-05.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to acquire one or more software licenses for operation of EPA and OSHA regulatory compliance software and claims management tracking software, including installation and implementation, and for training, support, and maintenance, for a two year period, for the Division of Water, Department of Public Utilities.

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 8, and in Section 1, line 7, strike "two" and insert "one".

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1131-05.

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

An emergency ordinance to amend Ordinance No. 1085-94, passed June 13, 1994, as amended, Ordinance No. 1089-02, passed July 17, 2002, as amended, and Ordinance No. 1716-02, passed September 19, 2002, relating to the transfer of City-owned property to the National Aeronautics and Space Administration.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1498-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with RW Armstrong for the lease of office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for a period of five years.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1503-05.

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

An emergency ordinance determining the method of making the public improvement of repairing and replacing brick pavement on certain streets; authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement; and authorizing one or more agreements with the City of Lakewood to make brick pavement repairs on common streets shared with the City of Lakewood.

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

1. Insert the following new where clauses before the existing one:

"Whereas, there are existing, salvageable brick streets in the City; and

Whereas, if there is damage to these salvageable streets because of depressions, missing bricks, utility blow-ups, etc. the streets are worth repairing; and

Whereas, Fisher Road, a salvageable brick street located between Rocky River Drive and West 159th Street, has numerous depressions caused by various utility

blow-ups and is a street shared by the Cities of Cleveland and Lakewood; and

Whereas, Dominion East Ohio, Northeast Ohio Regional Sewer District, the Cleveland Divisions of Water and Water Pollution Control, and the City of Lakewood have agreed to contribute to make repairs to Fisher Road; and"

2. In Section 1, line 3, insert after "streets," and before "deemed" insert the following: **"that are either damaged, which is not a result of a construction project, after the passage date of this ordinance or are existing flawed all, brick streets, and that are"**; and insert the following sentence at the end of Section 1: **"Notwithstanding the preceding sentence, the Director of Public Service may use this public improvement requirement contract to repair Fisher Road."**

3. In the Section 2, line 3, strike "or two year"; and strike lines 12 through 16 in their entirety and insert the following: **"is made for the requirements for the entire term"**.

4. In Section 4, line 2, strike "City of Cleveland" and insert **"City of Lakewood"**.

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1509-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical parts and supplies for maintenance of airfield electrical needs, including labor and materials for installation, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1634-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to paint street-side elements, including poles, vent pipes, and transformer boxes for the Division of Cleveland Public Power, Department of Public Utilities.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1826-05.

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

An emergency ordinance authorizing the Director of Finance to enter into an economic development agree-

ment or agreements with the County of Geauga for the purpose of charging an impact fee in exchange for the City's extension of water service to a portion of Bainbridge Township.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1869-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1870-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1871-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance; when amended as follows:

1. In the title, line 3; and in Section 1, line 4, strike "airfield signage" and insert **"airport directional signage for both the interior and exterior of airport structures"**.

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1872-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1873-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1874-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1875-05.

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

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

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Council Member Reed entered the meeting at 7:31 p.m.

MOTION

By Council Member Conwell, seconded by Council Member Cimperman and unanimously carried that the absence of Council Members Anthony Brancatelli, Patricia J. Britt, Emily Lipovan Holan and Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:52 p.m. to meet Monday, October 31, 2005 at 7:00 p.m. in the Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

ORDINANCE

Ord. No. 1645-05.

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

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

Whereas, Sections 5709.40, 5709.42 and 5709.43 of the Revised Code (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Section 5709.40 of the Revised Code) with respect to such parcels of real property located in the City to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

Whereas, a residential and commercial development has been proposed (the "Project") to be located on the parcels and in the area described in **File No. 1645-05-D** (that area, as the parcels therein are consolidated or subdivided and as existing streets are vacated, is hereinafter referred to as the "Property,"

excluding the portions thereof to be part of public streets and parks otherwise exempt from property taxation); and

Whereas, this Council desires to construct or cause the construction of the public infrastructure improvements described and placed in the above-mentioned file (the "Public Improvements") that once made will directly benefit the Property; and

Whereas, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Revised Code (the "Service Payments"); and

Whereas, the City of Cleveland is an Impacted City within the meaning of Section 1728.01 of the Revised Code; and

Whereas, the Property is located within area designated as the Flats East Bank Community Development Plan Area, which this Council has determined by Ordinance No. **1644-05**, passed _____, 2005, is a Blighted Area within the meaning of Section 1728.01 of the Revised Code; and

Whereas, the Property is located in the Cleveland Municipal School District (the "School District"), and the School District has approved the real property tax exemption provided for in this Ordinance and has waived notice requirements on the condition that a compensation agreement be entered into, as provided herein (the "School Agreement"); and

Whereas, the City desires that the Cleveland Cuyahoga County Port Authority (the "Port Authority") and/or the City and other governmental entities construct and finance a portion of the Public Improvements and anticipates that the Port Authority will finance costs relating thereto by the issuance of bonds by the Port Authority secured by the Service Payments (the "Bonds") under the terms of a cooperative agreement to be entered into providing for the City's transfer of the portion of the Service Payments not otherwise paid to the School District; and

Whereas, the construction of the Project and the Public Improvements is necessary to eliminate blighted conditions and prevent the recurrence of blight and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Public Improvements. That the Public Improvements described in **the above described file** hereto intended to be made or caused to be made, by the City are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and improvements on the Property will place direct, additional demand on the Public Improvements.

Section 2. Property Tax Exemption. That pursuant to and in accordance with the provisions of

dance with the provisions of Section 5709.40 of the Revised Code, and, in particular, division (B) of Section 5709.40 of the Revised Code, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40 of the Revised Code) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with tax year 2009 and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 5 hereof a total amount of payments in lieu of taxes available for and sufficient to pay the costs provided in Section 5 hereof.

Section 3. Service Payments. That as provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 5 hereof. This Council hereby authorizes the Mayor, Director of Finance, Director of Economic Development, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. School Agreement. That the Mayor is hereby authorized and directed to sign on behalf of the City a School Agreement between the City and the School District pursuant to Section 5709.82 of the Revised Code providing that the City shall pay the School District a portion of the Service Payments received by the City equal each year to 50% of the amount the School District would have received as real property taxes but for the exemption provided in this Ordinance, that School Agreement to be in such form as is approved by the Mayor and Law Director consistent with the objectives and requirements of this Ordinance, which approval shall be conclusively evidenced by the signing of the School Agreement.

Section 5. Tax Increment Equivalent Fund. That this Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Revised Code, the Flats East Bank Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback

payments distributed to the City with respect to the Improvement on the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in division (B) of Section 133.15(B) of the Revised Code;

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City, the Port Authority, the State of Ohio or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay costs charged by the issuer of the obligations;

(iii) to reimburse the City, the Port Authority, the State or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments; and

(iv) to compensate the School District pursuant to the School Agreement.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43 of the Revised Code.

Section 6. Community Reinvestment Area. That to the extent any of the residential units and related facilities are eligible for and are granted a real property tax exemption under the City's existing community reinvestment area program, the City hereby consents for that exemption to supersede the exemption provided in this Ordinance during the years of that community reinvestment area exemption; provided that the exemption under this Ordinance is effective immediately upon the termination of the community reinvestment area exemption.

Section 7. Filing and Reporting to State. That pursuant to Section 5709.40 of the Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Director of Economic Development or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Revised Code.

Section 8. Captions. That the captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 9. Open Meeting Determination. That it is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 10. City Charter Findings. That it is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 11. Severability. That each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 13. Legislative Intent. That all terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Section 14. Emergency Measure. That this Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the elimination of blighted conditions and prevention of the recurrence of those conditions and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all 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 date allowed by law.

BOARD OF CONTROL

October 19, 2005

The special meeting of the Board of Control convened in the Mayor's office on Wednesday, October 19, 2005, at 3:30 p.m. with Acting Director Horvath presiding.

Present: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Absent: Mayor Campbell and Director Fumich.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Ed Nunez, Acting Director, Office of Equal Opportunity.

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

Resolution No. 580-05.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that under 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 October, 2005 in the amount of \$93.97, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 581-05.

By Director Ciaccia.

Whereas, under Ordinance No. 1803-03, passed by Cleveland City Council December 15, 2003, the Director of Public Utilities is authorized to enter into one or more lease agreements with Bass Energy Company, Inc. to explore for, drill for, operate for, produce and remove oil, gas and all constituents from various City-owned real property and to transport the oil and gas from other properties through City-owned real property; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Ordinance No. 1803-03, passed by Cleveland City Council December 15, 2003, the compensation for the lease agreement with Bass Energy Company, Inc. to explore for, drill for, operate for, produce and remove oil, gas and all constituents ("Hydrocarbons") from the Harvard Avenue Distribution and Maintenance Facility properties and to transport Hydrocarbons from other properties through the Harvard Avenue Distribution and Maintenance Facility properties, is fixed at a royalty of 12.5% of the proceeds

paid to Bass Energy Company, Inc. for oil and gas produced and sold from the leased premises calculated in accordance with the Boyle Measurement, less excise taxes, plus the City's free use of the first 300 MCF of gas taken each year from each well and payment of the then current well head price for all gas the City uses in excess of 300 MCF.

Be it further resolved by the Board of Control that the employment of the following subcontractors under the above-mentioned lease to Bass Energy is approved:

<u>Subcontractor</u>	<u>Work</u>
Wake Forest Garden (MBE)	\$ 6,000
Cook Paving (MBE)	\$10,000
Able Contracting (FBE)	\$ 6,000

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 582-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Fabrizi Trucking & Paving Co., Inc. under Contract No. 61919 for replacing or repairing water mains, under West 111th Street/West 114th Street, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Percentage Work</u>
Julian Supply Company (FBE)	2.70% \$15,683.55
Collinwood Shale Brick and Supply Company (FBE)	7.11% \$41,262.88

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 583-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by United Survey, Inc. under the public improvement contract for Laverne and Superior Avenue Sewer Relining, for the Division of Water Pollution Control, Department of Public Utilities, authorized by Ordinance No. 644-03 and 837-04, passed July 16, 2003 and June 14, 2004 and, Board of Control Resolution No. 427-05, adopted August 17, 2005, is approved:

<u>Subcontractor</u>	<u>Work</u>
<u>MBE/FBE</u>	
Cook Paving & Construction Co., Inc.	\$60,000.00 (17%)
Interstate Safety & Service Co., Inc.	\$16,600.00 (4.7%)
FBE	
Ohio Diversified Services, Inc.	\$ 4,500.00 (1.27%)
FBE	

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 584-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of PAR Electrical Contractors, Inc. for an estimated quantity of utility pole replacement, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on August 19, 2005, under the authority of Ordinance No. 948-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$14,330,066.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153869 which shall be certified against the contract in the sum of \$2,000,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Par Electrical Contractors, for utility pole replacement for the above mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
Cook Paving Co.	\$230,944.00 (MBE) 1.61%
Quick Employment	\$ 30,000.00 (FBE) .21%

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush,

Routen, Huth, Taylor and Acting Director Cooper.
 Nays: None.
 Absent: Mayor Campbell and Director Fumich.

Resolution No. 585-05.

By Director Ciaccia.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Teledyne Tekmar Company for the purchase of total organic carbon analyzer and appurtenances (item 1) for the Division of Water, Department of Public Utilities, received on August 26, 2005, under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to \$31,290.20 (Net 30 Days), after an allowance for trade-in of the existing total organic carbon analyzer, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a contract for the items.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.
 Absent: Mayor Campbell and Director Fumich.

Resolution No. 586-05.

By Director Ciaccia.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Carus Chemical Company A Division of Carus Corporation for an estimated quantity of potassium permanganate (item 1) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on August 19, 2005 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$514,250.10 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161256 which shall be certified against the contract in the sum of \$50,000.00.

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

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.
 Absent: Mayor Campbell and Director Fumich.

Resolution No. 587-05.

By Director Ciaccia.
 Be it resolved by the Board of Control of the City of Cleveland that

the bid of CalciQuest, Inc. for an estimated quantity of corrosion control chemical (item 1) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on August 19, 2005 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$845,940.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161254 which shall be certified against the contract in the sum of \$100,000.00.

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

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.
 Absent: Mayor Campbell and Director Fumich.

Resolution No. 588-05.

By Director Ciaccia.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Lucier Chemical Industries Ltd., d.b.a. LCI, Ltd. for an estimated quantity of fluorosilicic acid (item 1) for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on August 26, 2005 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$803,354.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161255 which shall be certified against the contract in the sum of \$100,000.00.

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

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.
 Absent: Mayor Campbell and Director Fumich.

Resolution No. 589-05.

By Director Ciaccia.
 Be it resolved, by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for the public improvement of labor and materials needed to construct and repair catch basins and manholes at various locations, all items including, a ten percent (10%) contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on the 29th day of August 2005, under the authority of Section 129.291 of Codified Ordinances of Cleveland, Ohio 1976, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$369,600.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a requirement contract for the improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 150274 which shall be certified against the contract in the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

The requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corporation for the contract authorized herein is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
Dan Ray Construction MBE	\$55,550.00 (15.03%)
Elite Contracting FBE	\$18,550.00 (5.02%)

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.
 Absent: Mayor Campbell and Director Fumich.

Resolution No. 590-05.

By Director Ricchiuto.
 Whereas, under authority of Ordinance No. 807-03, passed by the Cleveland City Council on June 10, 2003, and Board of Control Resolution No. 496-03, adopted August 20, 2003, the City through its Director of Public Service, entered into Contract No. 62024 with Solar Testing Labo-

ratories, Inc. for professional geotechnical testing services for a term not to exceed two (2) years, for the Division of Engineering and Construction, Department of Public Service, in the aggregate amount of \$100,000.00; and

Whereas, in the two years of the term, the City will not have expended the entire \$100,000.00 authorized and certified to Contract No. 62024; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 496-03, adopted August 20, 2003, is amended by changing the contract term to "not to exceed two years or expenditure of the \$100,000.00 fee certified to the contract, whichever is later".

Be it further resolved that all other provisions of Resolution No. 496-03 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 591-05.

By Director Ricchiuto.

Resolved, by the 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 two (2) years beginning with the date of execution of this contract, received on September 23, 2005, under the authority of Ordinance No. 766-04, passed May 17, 2004, which on the basis of the estimated quantity would amount to \$199,448.00, is approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, and shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159963

which shall be certified against the contract in the sum of \$24,250.00.

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

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 592-05.

By Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Danielle's Services, Inc.,

d.b.a. Critter Control of Cleveland, for nuisance animal trapping, all items, for the Division of Environment, Department of Public Health, for a period of one year beginning with the date of execution of a contract, received on August 24, 2005, under the authority of Ordinance No. 959-05, passed on June 6, 2005, which on the basis of the estimated quantity would amount to \$41,600, is affirmed and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for such services, which shall provide for the immediate purchase as the initial amount of the following:

Requisition No. 138490

which shall be certified against such contract in the sum of \$20,000.

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

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 593-05.

By Director Thompson.

Whereas, by Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control established rental rates for the various rooms and halls and portions of the Cleveland Public Auditorium and Convention Center; and

Whereas, on August 3, 2005, this Board of Control adopted Resolution No. 407-05, as an exception to Resolution No. 117-03, to establish that the use of the Convention Centers Exhibition Halls A & D by production companies for a commercial production having a minimum budget of \$100,000 or for a feature film production having a minimum budget of \$1,000,000 shall be provided at no charge until November 5, 2005; and

Whereas, the City desires to extend this time period for an additional two years; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 407-05, adopted August 3, 2005, as an exception to Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, is amended by deleting "November 5, 2005" and substituting "November 5, 2007" where appearing.

Be it further resolved that all other provisions of Resolution No. 407-05 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pet-

tus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 594-05.

By Director Thompson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Simplex Grinnell, LP for the following: labor and materials necessary to maintain, repair and test the Life Safety System for a period of one year with a one year option to renew, all items (with special options), for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on the 1st day of September 2005, under the authority of Ordinance No. 836-05, passed June 6, 2005, which on the basis of the order quantity would amount to \$67,620.00 for the first year, is approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into contract for such items.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 595-05.

By Director Thompson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Schindler Elevator Corporation for the following: labor and materials necessary to install escalator safety brushes on escalators, all items, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on the 24th day of August 2005, under the authority of Ordinance No. 652-05, passed June 6, 2005, which on the basis of the order quantity would amount to \$28,374.00, is approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into contract for such items.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Petus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 596-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 121-17-065 located at East 97th Street in Ward 6; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies,

when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Letha Fomby and Mary E. Goodwin, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Letha Fomby and Mary E. Goodwin for the sale and development of Permanent Parcel No. 121-17-065 located at East 97th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Richiuto, Carroll, Acting Director Petrus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

Resolution No. 597-05.

By Director Thompson.

Whereas, on October 5, 2005, under the authority of Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control adopted Resolution No. 564-05 authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement with Innovative Foods, Inc. to operate a mobile concession unit at the Collinwood Athletic Complex for a period not to exceed 60 days for a concession fee of the greater of \$2,000.00 or 5% of gross profits; and

Whereas, Resolution No. 564-05 incorrectly stated the concession fee and the Department of Parks, Recreation & Properties has determined the original fee to be greater than the business activity at Collinwood justifies; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 564-05, adopted October 5, 2005, under the authority of Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, is amended by deleting the concession fee stated and sub-

stituting "the greater of \$100.00 or 5% of gross profits," where appearing.

Be it further resolved that all other provisions of Resolution No. 564-05 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Acting Director Horvath, Directors Baker, Ciaccia, Mok, Richiuto, Carroll, Acting Director Petrus, Directors Thompson, Rush, Routen, Huth, Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 7, 2005

9:30 A.M.

Calendar No. 05-314: 1351-1395 East 55th Street (Ward 13)

VIP East 55th Street, Inc., owner, and Rick Semersky appeal to use for interior and exterior storage of building materials the use previously granted by the Board of Zoning Appeals in Calendar No. 97-102, that permitted the conversion of an existing office area of a former warehouse facility into program space for health care for the homeless in a one-story masonry building, situated on a 224' x 305' irregular shaped corner parcel, located in split zoning between General Retail Business and Two-Family Districts

on the northeast corner of East 55th Street and Bonna Avenue at 1351-95 East 55th Street; the proposed use is first permitted in a Semi-Industry District and subject to the restrictions of Section 337.03, and Section 343.11; with the Board of Zoning Appeals variance authority being limited, as stated in Section 329.03(d)(3) of the Codified Ordinances.

Calendar No. 05-317: 1802 Crawford Avenue (Ward 7)

Hermeria, Inc., owner, and Nate Taylor appeal to construct an accessory parking lot to provide additional spaces for an existing three-story nursing home building, situated on a 113' x 206' irregular shaped parcel in a Multi-Family District on the west side of Crawford Avenue at 1802 Crawford Avenue; subject to the provisions of Section 337.08(e) the Board of Zoning Appeals approval is required where a nursing home and its uses are located less than 15' from a residential district and Section 337.14 requires that the parking spaces be located behind the setback building line with the accessory off-street parking spaces, driveways and maneuvering areas properly graded for drainage so that all water is drained within the parking lot; and a 6' wide frontage landscape strip is required along Crawford Avenue, according to Section 352.11 of the codified Ordinances.

Calendar No. 05-318: 3101 Clinton Avenue (Ward 13)

Louis Makar, owner, appeals to erect a 22'-6" x 33' one-story, frame garage addition to the rear of an existing single family residence that is situated on a 59.5' x 107' parcel, located in a Two-Family District on the south side of Clinton Avenue at 3101 Clinton Avenue; a rear yard depth of 11'-3" is provided, contrary to a required 20' rear yard as stated in Section 357.08 of the Codified Ordinances.

Calendar No. 05-319: 17800 Parkmount Avenue (Ward 20)

The Cuyahoga Metropolitan Housing Authority, owner, and Dominick Durante, agent, appeal to install an 8' high wooden fence along the rear yard property line of the Riverside Estates and to the south of residential properties located on Martha Avenue between West 174th Street and Interstate 71 in a B1 Two-Family District; as proposed, the fence height in the actual rear yard of a residence district exceeds the maximum 6' height that is permitted, as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 05-320: 710 Jefferson Avenue (Ward 13)

UGP Properties LLC, owner, Corvallis Development and John Sandro, agent, appeal to change a six story former printing facility to a restaurant and 102 residential apartments, situated on a 144' x 264' parcel in a B1 Two-Family District on the north side of Jefferson Avenue at 710 Jefferson Avenue; the proposed use being subject to the limitations of Section 337.02 and not permitted in a Two-Family District; and contrary to Section 355.04, the gross floor area is six times the allowed

square footage in a "B" Area District, instead of one-half of the lot area, or 17,900 s/f; and contrary to Section 353.01, a 78' height is proposed in a "1" Height District, where the height cannot exceed 35' and accessory off-street parking spaces must be at least 180 square feet, according to Section 352.03 of the Codified Ordinances.

Calendar No. 05-321: 728 East 131st Street (Ward 9)

Cleveland Housing Network LP XXI, owner, and Delorce Graham, agent, appeal to install 66' of 4' high chain link fence in the actual front yard of an approximate 50' x 116' corner parcel in a Multi-Family District on the southwest corner of East 131st Street and Brackland Avenue at 728 East 131st Street; contrary to the Fence Regulations, chain link fence is proposed in the actual front yard of a Residence District where it is not permitted, according to Section 358.04(c)(1) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 24, 2005

At the meeting of the Board of Zoning Appeals on Monday, October 24, 2005, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 05-300: 18013 Cleveland Business Park

Chelm Properties appealed to install a 223 square foot, 20' tall development sign in a Semi-Industry District.

The following appeal was **Denied:**

Calendar No. 05-222: 13014-18 Lorain Avenue

D. Romano LLC appealed to expand the use of an existing Body Piercing and Tattoo Shop in a General Retail Business District.

The following appeals were **Postponed:**

Calendar No. 05-302: 1623 Allman Court postponed to November 28, 2005.

Calendar No. 05-162: 2603 Scranton Road postponed to November 28, 2005.

Calendar No. 05-208: 2906 Fulton Road postponed to December 5, 2005.

Calendar No. 05-303: 6501-09 Lorain Avenue postponed to December 5, 2005.

The following appeal was **Dismissed:**

Calendar No. 05-301: 19404 Chickasaw Avenue

Theodore Radisek appealed to install 80 linear feet of chain link fence in a Two-Family District.

In Executive Session on October 24, 2005, the following appeals heard by the Board on October 17, 2005 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 05-280: 3394 West 60th Street

Jackie Freeman appealed to erect a 22' x 24' room addition to a non-conforming one family residence in a Two-Family District.

Calendar No. 05-283: 1948 West 96th Street

Norman Toms appealed to erect a 21' x 42' one-story accessory detached garage on a 41' x 150' parcel in a Multi-Family District.

Calendar No. 05-284: 7801 Elton Avenue

Hipolito Zayas appealed to install 116' of 4' high chain link fence in the front and side street yards of a corner parcel in a Two-Family District.

Calendar No. 05-298: 3650 West 140th Street

Melissa Soanca appealed to erect a 20' x 20' attached garage to a one family residence in a Two-Family District.

Calendar No. 05-299: 3100 West 117th Street

Target Corporation appealed to erect an 87,32 s/f grocery store and a 126,842 s/f department store with an accessory parking lot in a General Retail Business District.

The following appeal was **Denied:**

Calendar No. 05-239: 10515 Sandusky Avenue

Anthony and Robin Pruitt, owners, appealed to establish a Type A day Care in a 2 1/2-story dwelling located in a Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 19, 2005

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

* * *

Docket A-92-05.

RE: Appeal of Charles Pugh dba Togo Construction, Contractor of the Residential Property located on the premises known as 10937 Drexel Avenue from a NOTICE OF VIOLATION — POOR WORKMANSHIP of

the Director of the Department of Building and Housing, dated June 29, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that after reviewing the facts of the case, a motion is in order at this time to find that Charles Pugh dba Togo Construction was the contractor of record and therefore is responsible for the successful execution of the contract, and that the request for appeal to be found not responsible is DENIED; the property is REMANDED at this time for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-93-05.

RE: Appeal of Western Reserve Leasing Co., Owner of the One Story Masonry Semi-Industry Property located on the premises known as 14489 Caine Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated July 27, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-94-05.

RE: Appeal of Western Reserve Leasing Co., Owner of the One Story Masonry Semi-Industry Property located on the premises known as 14401 Caine Avenue from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated July 27, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-95-05.

RE: Appeal of Western Reserve Leasing Co., Owner of the One Story Masonry Semi-Industry Property located on the premises known as 4220 East 146th Street from a 30 DAY DETERIORATED CONDEMNATION ORDER — MS, dated July 27, 2005, and a 14 DAY VACATE ORDER, dated August 3, 2005 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-96-05.

RE: Appeal of Western Reserve Leasing Co., Owner of the One Story Masonry Semi-Industry Property located on the premises known as 14309 Caine Avenue (Front/Rear) from a NOTICE OF VIOLATION — CHANGE OF USE/GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated July 26, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-97-05.

RE: Appeal of Western Reserve Leasing Co., Owner of the One Story Masonry Semi-Industry Property located on the premises known as 14305 Caine Avenue from a NOTICE OF VIOLATION — CHANGE OF USE of the Director of the Department of Building and Housing, dated July 25, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-98-05.

RE: Appeal of Western Reserve Leasing Co., Owner of the One Story Masonry Semi-Industry Property located on the premises known as 14479 Caine Avenue from a NOTICE OF VIOLATION — CHANGE OF USE of the Director of the Department of Building and Housing, dated July 26, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time and to REMAND the properties at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-100-05.

RE: Appeal of Cornell Merchant, Owner of the Two & One-half Story Frame Residential Property located on the premises known as 3439 East 104th Street from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Director of the Department of Building and Housing, dated August 26, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one hundred-twenty (120) days in which to abate the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

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

* * *

Docket A-103-05.

RE: Appeal of Goodrich Properties, Owner of the General Retail Property located on the premises known as 1308 Prospect Avenue from a NOTICE OF VIOLATION — HAZARDOUS STRUCTURE of the Director of the Department of Building and Housing, dated August 18, 2005, requiring compliance with the

Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for November 2, 2005.

* * *

Docket A-104-05.

RE: Appeal of Ashland Chemical, Owner of the Property located on the premises known as 2191 West 110th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated August 23, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the structure to be erected in the location indicated with the safety precaution of an exterior delude system on the wall between the exterior walls of the stairwell. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saunders.

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

* * *

Docket A-109-05.

RE: Appeal of McPhillips Plumbing, Heating and Air Conditioning Co., HVAC Contractors of the various properties located on the premises known as Amesbury — Rosalind Apartments from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 3, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for revise the fee schedule and to enforce the fees as presented by the Department of Building and Housing; the properties are REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-110-05.

RE: Appeal of The Cleveland Museum of Art, Owner of the Property located on the premises known as 11150 East Boulevard from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 21, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances requested for the items listed in the Appellant's letter of October 6, 2005, with the following excep-

tions: that the owner is to submit a letter stating that the exception to sprinklers in the atrium be subjected to the fact that the atrium be used in a normal manner, and that any exceptions to this area are to be noted, by the Owner, to be in compliance with the Fire Prevention Bureau requirements will be expected; and with the exception that the 1971 building secondary roof drains or float sensors are not required, noting that the parapet is from three to six inches high with the structural limits of flooding and that the 1971 roof can be observed from the office space; and that the 2005 Building Code is frozen from the Phase II construction with the exception of any relevant life-safety issues that should be addressed; and that issues 14 and 15 of that letter are tabled for future discussion. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS

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

- A-80-05—Walter R. Eddy.
- A-87-05 — Ebenezer Assembly of Christ (Amended).
- A-102-05—John & Kimberly Mulgrew.
- A-108-05—West Sixth Associates.

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

* * *

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

- A-85-05—Clara Cogburn.
- A-89-05—Charles Christopher Real Estate.
- A-91-05—Drs. Orin & Dorothy Martin.
- A-105-05—Roger Carran.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified

Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

October 5, 2005

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

* * *

OTHER BOARD BUSINESS:

SMOKE GUARD — DIVISION OF RECTOR SEAL

RE: Use of the Smoke Guard product in the City of Cleveland — which is a product designed specifically to keep smoke out of the elevator shaft and is not used for any other application.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

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."

THURSDAY, NOVEMBER 10, 2005

WSM — Exhaust Hood and Suppression System, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 837-02, passed by the Council of the City of Cleveland, June 10, 2002.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, NOVEMBER 1, 2005 AT 10:00 A.M., WEST SIDE MARKET (JOHN'S HOT DOG STAND

— IN THE TOWER), 1979 WEST 25TH STREET, CLEVELAND, OHIO 44114.

October 19, 2005 and October 26, 2005

FRIDAY, NOVEMBER 18, 2005

Doan Brook Stream Restoration, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1121-01 and 279-02, passed by the Council of the City of Cleveland, July 8, 2001 and June 3, 2002.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, OCTOBER 31, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, LARGE CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

October 19, 2005 and October 26, 2005

WEDNESDAY, NOVEMBER 23, 2005

Purchase of Various Types of Safety Equipment Required for OSHA and EPA Compliance, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1028-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A MANDATORY PRE-BID MEETING WEDNESDAY, NOVEMBER 9, 2005 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

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

October 19, 2005 and October 26, 2005

**Certified MBEs and FBEs
Reporting Period: Third Quarter, 2005**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) by the Mayor's Office of Equal Opportunity during the Third Quarter of 2005.

Company	MBE/FBE	Cerdate	Description
2E, Inc.	FBE	8/16/2005	Engineering services including environmental, remediation, project management, wastewater design, etc.
3D Visual Concepts	MBE	7/20/2005	3D design visualization, architectural, engineering, construction rendering & fly-thru animation, CAD design and drafting services
A & V Cleaning, Inc.	MBE	7/6/2005	Janitorial services: residential and commercial clean-up
AbSolutions LLC	MBE	7/21/2005	Provide staffing, consultants & training programs specializing in IT, human resource services, youth worker training & activity programs
Advance COM Technologies, Inc.	MBE	7/6/2005	Software engineering firm that designs, implements and manages web-bases- and business software solutions

Alarm Core, LLC.	MBE	8/8/2005	Security: security officers, couriers, private investigators, transportation, night watchmen; also, pre-employment & tenant screening; security cleaning of buildings
Allstate Industrial, Inc.	MBE	8/10/2005	Supplier: safety equipment & supplies, safety glasses, boots, protective clothing, rain suits, safety equipment for flammable liquids, respirators
Alphaport, Inc.	FBE	9/23/2005	Research and educational services, management consultant, controlled products and data administration
Al's High Tech dba Al's Electric Motor	FBE	7/12/2005	Sales, service and repair of electric motors, equipment, etc., complete machine shop, vibration analysis
APEX Construction Company, Inc.	MBE	9/9/2005	General contractor
Applied Laser Technologies	FBE	9/28/2005	Laser & inkjet printer sales, service and supplies
Bean & Bennett Enterprises, Inc.	MBE	9/2/2005	Janitorial cleaning services: residential, industrial and commercial including construction clean-up
Berg & Associates, Inc.	FBE	9/27/2005	Sales and consultant for art objects
Bonnie Kay Unlimited	FBE	7/7/2005	Advertising and promotional items
Bradley Construction Co., Inc.	MBE	7/20/2005	General contractor: cast-in-place concrete, concrete masonry, excavation, highway construction and project administration
Broma Information Technology, LLC	MBE	8/16/2005	Information technology, business assessment, project management, internet & intranet assessment, technology training and support and application development
C.Y.A. Plumbing, Inc.	FBE	9/17/2005	Plumbing contractor
Cahlik Electric, Inc.	FBE	8/9/2005	Electrical contractor
Calvin Singleton & Associates	MBE	7/12/2005	Architecture, planning and construction management
Career Connections Staffing Services, Inc.	FBE	9/20/2005	Professional employee services specializing in information technology and medical staffing
Central Engineering, Inc.	MBE	8/23/2005	Civil engineer: Highway & bridge design; utility design including water sewer, drainage, structures, bridge & construction inspection & surveying
Cleveland Industrial Concrete Floors, Inc.	FBE	8/16/2005	General contractor specializing in concrete work
Commercial Tile & Stone, Inc.	FBE	9/3/2005	Furnish & install ceramic tile, quarry tile, pavers, marble & granite
Copy King, Inc.	FBE	8/13/2005	Reproduction of texts and photos including graphic design
Cuyahoga Companies, Inc., The	FBE	9/21/2005	Interior design services; furniture, flooring, movable walls, raised flooring, space planning & moving services
Cynergies Technology Solutions, Inc.	FBE	9/24/2005	Information technology solutions and staffing, temporary and permanent
Cyngier Systems Management, Inc.	FBE	7/20/2005	General contractor specializing in HVAC, electrical, plumbing, hydronics, refrigeration
D & S Consultants, Inc.	FBE	7/13/2005	Insulation installation and fire stop and air infiltration packages
Designer Walls, Inc.	FBE	8/31/2005	Commercial painting and wall covering contractor
Dynamic Market Management	MBE/FBE	8/9/2005	Project management, market research, surveys
Dynatech Consulting Engineers	MBE	7/11/2005	Electrical engineering & consulting services for power distribution, lighting systems, fire alarm systems, standby power systems, security and data/communication systems
English Concessions dba Fins & Feathers, Inc.	MBE	9/27/2005	Institutional and social catering; food distribution, concession management
Farone Heating & Plumbing	FBE	9/9/2005	Plumbing and HVAC contractor
Ferneway Company, The	MBE/FBE	9/26/2005	Public relations, marketing including grant & scriptwriting
Finest Builders, Inc.	MBE/FBE	9/7/2005	General contractor specializing in renovations, carpentry, drywall, painting, concrete, asphalt and roofing
Firstech, Inc.	MBE	8/6/2005	Environmental analytical laboratory testing and research
Forest City Erectors, Inc.	FBE	8/11/2005	General contractor specializing in crane services, rigging and steel erection
Friedel Trucking Company, Inc.	FBE	7/22/2005	Trucking and hauling
Gateway Electric, Inc.	MBE	8/21/2005	Electrical contractor
Gene Ptacek & Son Fire Equipment Co., Inc.	FBE	9/15/2005	Sales and service of fire equipment
Glory Construction Company	MBE/FBE	8/3/2005	General contractor specializing in rehab, drywall, carpentry and roofing, commercial and residential
GQ Contracting Company, The	FBE	9/28/2005	General contractor specializing in carpentry, rough and finished; drywall, light gauge steel forming, acoustics, and plastering
Great Northern Consulting Services, Inc.	FBE	8/3/2005	Information technology consulting and computer supplies

Have Video Recorder Will Travel	MBE	8/11/2005	Video and photography services
HzW Environmental Consultants, LLC	FBE	9/27/2005	Environmental services including geological/site assessment investigations, regulation, hygiene and safety compliance and consulting, including wetland
Identiphoto Company, Ltd.	FBE	7/22/2005	Sales & service of photo id, id systems, cards, badges & id supplies; law enforcement & id software, cameras
Independent Brokers, Ltd.	MBE	9/14/2005	Sales consultant; business development
J & L Laboratories, Inc.	MBE	9/21/2005	Geotechnical engineering services, subsurface investigations, materials testing & construction inspection
Jags Enterprise	MBE/FBE	8/9/2005	Court stenography services
Jan Squires, Inc.	FBE	7/7/2005	Mechanical contractor: welding, fabricating and installation of pressure piping systems
JB Media, Inc.	MBE/FBE	8/16/2005	Graphic design and media planning
Jeffrey W. Barnett Trucking	MBE	8/2/2005	Trucking: delivering building supplies, drywall, metal studs
Jones Equipment, Inc.	FBE	9/28/2005	Supplier: truck bodies, plows, mowers, spreaders, tools, related parts including service and parts
Jones Technologies Enterprises, Inc.	MBE	8/24/2005	General construction, facilities operations & maintenance, construction mgmt., mechanical & electrical engineering, industrial services, communications, control systems, engineering
Kea Trucking, Inc.	MBE/FBE	9/27/2005	Trucking; transport of asphalt, dirt, stone & excavation debris
KEMS Construction Co., Inc.	MBE	9/30/2005	General contractor specializing in residential construction and rehabilitation including carpentry and painting
Lakeland Electric Supply Co., Inc.	FBE	7/15/2005	Electrical supplier
Landmark Plumbing, Inc.	FBE	9/17/2005	Plumbing contractor
Lassiter Plastering Co.	MBE	8/15/2005	Exterior insulation finish system, application of various types of plaster and stucco products
Lasting Impressions Printing dba Farrell Serv.	FBE	8/8/2005	Printing and promotional products
Lawrence Harris Construction, Inc.	MBE	9/30/2005	General contractor specializing in excavation, demolition and repair of sanitary sewers.
LEH, Inc.	MBE	7/22/2005	Commercial cleaning: large building, exterior & interior; detailed office cleaning (buffing, vac, steel cleaning, stairways); new home preparation-interior cleaning (windows, floors)
Lewis Electric	MBE	8/24/2005	Electrical contractor-install and maintain electrical equipment and devices
Lightning General & Demolition Contractors	MBE	9/9/2005	General contractor specializing in demolition, sewer and rehab of residential buildings; trucking: hauling 7 asbestos abatement
Logical Services, Inc.	MBE/FBE	8/20/2005	Vehicle services: CDL drivers, installation of accessories for vehicles, HVAC contractor
LonColeman Corporation	MBE	9/9/2005	Construction management, facilities management, real estate development
M & R Enterprises, Inc.	MBE	8/30/2005	General contractor specializing fire protection, cleaning sewer pipes, video inspection of culvert & sewer pipes, on-site management & disposal of sludge & debris
Mac Mechanical Corporation	FBE	7/13/2005	Fire protection contractor
Master Manufacturing Company	FBE	9/27/2005	Manufacturers of replacement casters for office furniture, door stoppers and comfort makers for lumbar and back support
McTax Service	MBE/FBE	7/29/2005	Tax preparation; payroll service
Media Impressions	FBE	7/29/2005	Media planning and buying services
Minority Trucking & Contracting Association	MBE	7/12/2005	Trucking, hauling, excavation, demolition, aggregate supplier
MKM Management Consulting	MBE/FBE	9/27/2005	Management coaching, strategy development & implementation, organizational development, retreat design & facilitation
ML Warner Architects, Ltd.	FBE	7/29/2005	Architectural services
MLM Material Hauling Co.	FBE	8/5/2005	Trucking: Dump trucks
Mohawk Re-Bar Services, Inc.	MBE	9/26/2005	Install and fabricate reinforcing bars
Mountaineer Title Agency, Inc.	FBE	9/2/2005	Real estate title services: titles, escrow, etc.
MRT Flooring Concepts, Inc.	FBE	7/20/2005	Sales, supplies and installation of floor coverings materials: carpets, vinyl, hardwood, ceramic tile and stone

Myldred Boston Howell Realty, Inc.	MBE/FBE	8/9/2005	Real estate broker
NET-TECH Communications, Inc.	MBE	8/11/2005	PC & computer hardware maintenance, network cabling & server support, software implementations, administrative support services
New Concepts Consulting, Inc.	MBE/FBE	7/28/2005	Customized software, database design & development, network installation & support, web page dev., client server/mainframe placement. Software training; video production, editing
North American Mechanical	FBE	8/23/2005	Mechanical contractor/HVAC/temperature control
Northland Research Corp.	MBE	7/25/2005	Real estate consulting, appraising, & market analysis
O.B.O. Demolition and Construction, Inc.	MBE	8/19/2005	General contractor specializing in hauling, demolition, excavating, and construction, repair of sanitary sewers and appurtenances
Office Facility Management Corporation	MBE/FBE	9/15/2005	Consultant: on-site facilities management services
Organizational Effectiveness Strategies, Inc.	FBE	9/14/2005	Executive and management coaching, strategy development & implementation, organizational development, retreat design & facilitation
Ozanne Construction Co., Inc.	MBE	8/4/2005	General contractor: construction and project management services; construction management; carpentry and general labor
Paragon TEC, Inc.	MBE/FBE	8/15/2005	Educational program design and management, curriculum design, training and development, management and technical support
Pardo Consultants, Inc.	MBE	9/11/2005	Engineer consulting & management services: HVAC, plumbing, fire protection, mechanical & electrical
Patricia T. Hill, MBA	MBE/FBE	9/26/2005	Insurance: casualty, property, bonds, life, health, group annuities, risk management
Picasso Painting, Inc.	MBE	8/15/2005	General contractor specializing in painting
Premium Technical Services	MBE	8/29/2005	Video inspection of sewer systems; inspection of construction projects; plan layouts with use of computers
R & R Mechanical Corp.	MBE	9/27/2005	General contractor specializing in plumbing and installation of fire protection systems; concrete work
R.L. Cole Enterprise, Inc.	MBE/FBE	7/21/2005	Trucking, hauling and landscaping
Ran Associates, Inc.	MBE	8/15/2005	Employment services; temporary help
Robert P. Madison, Inc.	MBE	8/19/2005	Professional services: architectural; electrical, structural, and engineering
Roberts Consultants, Inc.	MBE	8/2/2005	Engineer services: electrical systems and mechanical engineer; underground drainage
Ross-Tek Information Systems, Inc.	MBE	9/14/2005	Consulting and integration computer services including Windows NT, Novell Netware installation and configuration, cabling, project management and technical support services
Royal Stone Erectors, Inc.	FBE	9/15/2005	Masonry and stonework
Ruccella Construction, Inc.	MBE	9/29/2005	General Contractor specializing in sprinkler systems, carpentry, site development & excavation, mechanical, HVAC, masonry, concrete, underground utilities; buildings: conventional & pre-engineered, highway construction
Safety Controls Technology, Inc.	FBE	7/20/2005	Safety consulting and occupational health including OSHA compliance, EPA consultation, coatings inspection services, etc.
Samsel Supply Company	FBE	7/20/2005	Full service marine supplier including fabrication for lifting, rigging, etc. and canvas shop
See-Ann-Inc.	FBE	8/19/2005	Furnish and erect structural and miscellaneous fabricated steel
Servco Products, Inc.	MBE	8/5/2005	Supplier: various types & sizes of fasteners, hex head cap screws, rods, washers, NYL insert insert L/N, hand & power tools, lubricants, parabolts, electrical
Service First, Inc.	MBE	7/13/2005	General contractor specializing as a master plumber and lead abatement contractor
Sierra Lobo, Inc.	MBE	8/21/2005	Engineering Labs: commercial research, professional engineering and cryogenic technology
Snavely Construction, Inc.	FBE	8/18/2005	General contractor, construction management and property management

Studio Graphique, Inc.	FBE	8/24/2005	Graphic design agency: corporate identity programs, environmental graphic, signage design, marketing campaigns, web design and promotional materials
Suburban Medical Laboratory, Inc.	FBE	7/29/2005	PH medical laboratory, wellness program
Superior Fence & Building	MBE	8/24/2005	Installing and/or repairing fences
T.L. Hafner Electric	FBE	9/22/2005	Electrical contractor
Terrell & Associates	MBE/FBE	7/26/2005	Planning, organizational, management, strategic, communication planning, business development, project management, & public affairs issues management
Tower City Title Agency, Inc.	FBE	8/25/2005	Title insurance, searches, filing of mortgage deeds & property reports, escrow
Traffic Control Products, Inc.	FBE	8/12/2005	Traffic signals and controls: traffic counters, computerized traffic systems
Ultra Printing & Design, Inc.	FBE	8/9/2005	Full service printer; offset printing, continuous forms, design, typesetting, illustration, translation
Vallejo Company, The	MBE	8/15/2005	Trucking and hauling of excavation materials; installation & repair of water and sewer lines
Van Auken Akins Architects	FBE	9/13/2005	Architectural and interior design services
Vital Resources, Inc.	FBE	7/20/2005	Information technologies computer services including project management, software dev., network, analysis, testing, training and programming
Wake Forest Garden Center	MBE	8/18/2005	Construction landscaping and landscaping maintenance, lawn and garden services
Washington Insurance Agency, Inc.	MBE	9/15/2005	Insurance agency: multi lines, life, health, auto, commercial, homeowners and group
Western Reserve Interiors, Inc.	FBE	7/20/2005	General contractor specializing in drywall, metal studs, taping, insulation, carpentry and exterior framing systems
Western Waterproofing Co., Inc.	FBE	9/12/2005	Building restoration, concrete restoration, waterproofing, caulking & dampproofing
Wintrow Construction Corp.	FBE	8/9/2005	Full service railroad contractor
Work Best Electric	FBE	8/16/2005	Electrical contractor
WS Studio Company	MBE	8/23/2005	Architecture and interior design, graphic design, urban planning, web page design, architectural renderings
Your Construction Co., LLC	MBE	9/28/2005	Commercial, residential and industrial painting

**MBEs/FBEs DELETED FROM OEO'S DATABASE
Third Quarter, 2005**

The attached firms, that were previously certified as a MBE and/or FBE have been dropped from the MBE/FBE database. The firms listed were sent at least two (2) letters and elected not to re-certify for various reasons, including going out of business and changes in geographic location.

MBE/FBE	Company	Drop/Date
FBE	H.M.H. Restoration, Inc.	7/20/2005
MBE	BAT Associates, Inc.	7/21/2005
FBE	History Enterprises, Inc.	8/1/2005
FBE	Lewicki Trucking Corporation	8/1/2005
FBE	Mac Record & Management, Inc.	8/1/2005
FBE	MB Electric, Inc.	8/1/2005
FBE	MCS Consulting Service	8/1/2005
MBE	MAP International, Inc.	8/12/2005
MBE	Barr Engineering, Inc.	8/16/2005
MBE	Cavalier Construction & Industrial Corp.	8/16/2005
MBE	Mr. Reeder's Landscaping	8/16/2005
MBE	Williams Interiors	8/16/2005
MBE	Etna Parking	8/25/2005
MBE	Etna Parking, Inc.	8/25/2005
MBE	RMC, Inc.	8/25/2005
MBE	Trinidad Skill Craft Fabricator	9/28/2005
MBE	Burrows Travel Group, The	9/30/2005

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1678-05.

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

An emergency resolution supporting the County of Cuyahoga's Clean Ohio Revitalization grant application to the Ohio Department of Development; and supporting the loan application of Acme Realty LLC, to the Cuyahoga County Brownfield Development Fund; for the redevelopment of the National Acme Building located at 170 East 131st Street.

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

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

Section 1. That this Council supports the County of Cuyahoga's Clean Ohio Revitalization grant application to the Ohio Department of Development for the redevelopment of the National Acme Building located at 170 East 131st Street.

Section 2. That this Council supports the loan application of Acme Realty LLC to the Cuyahoga County Brownfield Development Fund for the redevelopment of the National Acme Building located at 170 East 131st Street.

Section 3. That the Clerk of Council is directed to send copies of this resolution to the Ohio Department of Development and the Board of Cuyahoga County Commissioners.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1832-05.

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

An emergency resolution supporting the loan application of UTS Realty, LLC, to the Cuyahoga County Brownfield Development Fund for \$1 million to purchase and redevelop the 39-acre former Standard Oil Refinery Number 1 site located at 2635 Broadway into a freight transportation facility.

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

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

Section 1. That this Council supports the loan application of UTS Realty, LLC, to the Cuyahoga County Brownfield Development Fund for \$1 million to purchase and redevelop the 39-acre former Standard Oil Refinery Number 1 site located at 2635 Broadway into a freight transportation facility.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Board of Cuyahoga County Commissioners.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1966-05.

By Council Members Zone, Brady, Lipovan Holan, Sweeney, White, Westbrook, Polensek, Coats, Pierce Scott, Brancatelli and Cimperman.

An emergency resolution opposing the federal, "Gasoline for America's Security Act of 2005", and encouraging Ohio's senators to vote against this bill when it is heard in the Senate.

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

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

Whereas, last week, H.R. 3893 barely passed out of the House of Representatives and will now be heard in the Senate; and

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

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

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

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

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

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

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

Section 1. That this Council hereby opposes the federal, "Gasoline for America's Security Act of 2005", H.R. 3893 and encourages Ohio's senators to vote against this bill when it is heard in the Senate.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Senator George Voinovich and Senator Mike

DeWine, and to the National League of Cities.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1967-05.

By Council Members Zone, Brady, Lipovan Holan, Sweeney, White, Westbrook, Coats, Pierce Scott, Conwell, Polensek, Brancatelli and Cimperman.

An emergency resolution supporting increased federal regulation of non-point sources of water pollution.

Whereas, the Clean Water Act has had undeniable success in reaching the goal of restoring and maintaining the chemical, physical and biological integrity of the nation's surface waters; and

Whereas, for almost 30 years, federal law has focused primarily on point source pollution, strictly controlling discharges from municipal and other facilities; and

Whereas, the United States Environmental Protection Agency, using data provided by the states, reported in its 2000 *National Water Quality Inventory Report* that thirty-nine percent (39%) of assessed river and stream miles and forty-five percent (45%) of assessed lake acres are not meeting applicable standards and are impaired for one or more desired uses; and

Whereas, these waters cross political boundaries and any mechanism to address pollution must include watershed-based solutions; and

Whereas, the EPA states that non-point sources are the main reason for these water quality problems — perhaps contributing as much as fifty percent (50%) of the nation's water pollution; and

Whereas, estimates on the cost to address national non-point pollution are based on questionable data and are likely too outdated to be useful; and

Whereas, combating the problem of non-point source pollution will require significant federal investment; and

Whereas, existing federal mechanisms, programs, and funding to address non-point sources have proved inadequate to combat this problem; 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 urges Congress to develop a comprehensive, consistent program to control and regulate non-source pollution that includes adequate federal resources to progress and research, economic studies to estimate costs to control non-point pollution, and watershed-based water quality initiatives.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to United States Senator George Voinovich, United States Senator Mike DeWine,

all members of the United States House of Representatives representing Cuyahoga County and the surrounding counties, and the National League of Cities.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1968-05.

**By Council Members Zone, Polen-
sek, Brady, Lipovan Holan, Sweeney, White, Westbrook, Reed, Coats, Pierce Scott, Brancatelli and Cim-
perman.**

An emergency resolution opposing that portion of House Bill 189 that modifies the definition of "dangerous dog" and "vicious dog" by eliminating pit bull dog from the definition of "vicious dog".

Whereas, current state law defines "vicious dog" as a dog that (1) without provocation kills or causes serious injury to any person, (2) without provocation causes injury, other than death or serious injury, to any person or has killed another dog, or (3) belongs to a breed that is commonly known as a pit bull dog; and

Whereas, current state law also states that the ownership, keeping, or harboring of a pit bull dog is prima-face evidence of the ownership, keeping, or harboring of a vicious dog; and

Whereas, House Bill 189 modifies the definition of "dangerous dog" and "vicious dog" by eliminating pit bull dog from the definition of "vicious dog"; and

Whereas, the presence of pit bull dogs in neighborhoods often results in fear and anxiety; and

Whereas, recent attacks by pit bull dogs have increased this fear and anxiety; and

Whereas, current state law requires owners of pit bull dogs and other vicious dogs to satisfy certain requirements regarding confinement, restraint, and liability insurance; and

Whereas, these requirements help to protect the public; and

Whereas, removing pit bull dogs from the vicious dog definition will provide the public with less protection from pit bull dogs; 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 opposes that portion of House Bill 189 that modifies the definition of "dangerous dog" and "vicious dog" by eliminating pit bull dog from the definition of "vicious dog".

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to all members of the Ohio State Legislature representing Cuyahoga County and the Ohio Municipal League.

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 October 17, 2005.
Effective October 21, 2005.

Res. No. 1969-05.

**By Council Member Brady.
An emergency resolution with-
drawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3029 West 117th Street, and repealing Resolution No. 1363-04, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3029 West 117th Street by Resolution No. 1363-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Goal Post, Inc., DBA Lido Club, 3029 West 117th Street, Cleveland, Ohio 44111, Permanent Number 3231531 be and the same is hereby withdrawn and Resolution No. 1363-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1970-05.

**By Council Member Brancatelli.
An emergency resolution with-
drawing objections to the renewal of a C1 and C2 Liquor Permit at 5222 Fleet Avenue, and repealing Reso-
lution Nos. 516-03, 1570-04 and 1379-05, objecting to said renewals.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 5222 Fleet Avenue by Resolution No. 516-03 adopted by the Council on March 24, 2003, Resolution No. 1570-04 adopted by the Council on August 11, 2004; and Resolution No. 1379-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objections to a C1 and C2 Liquor Permit to Alomari, Inc., DBA Open Pantry, 5222 Fleet Avenue, Cleveland, Ohio 44105, Per-

manent Number 0143826 be and the same is hereby withdrawn and Resolution Nos. 516-03, 1570-04 and 1379-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1971-05.

**By Council Member Brancatelli.
An emergency resolution with-
drawing objections to the renewal of a C1 and C2 Liquor Permit at 6506 Fleet Avenue, and repealing Reso-
lution Nos. 1699-02, 1569-04 and 1374-05, objecting to said renewals.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 6506 Fleet Avenue by Resolution No. 1699-02 adopted by the Council on August 14, 2002, Resolution No. 1569-04 adopted by the Council on August 11, 2004; and Resolution No. 1374-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objections to a C1 and C2 Liquor Permit to Hyunsoo Chung, DBA K & S Food & Gift, 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 7638470 be and the same is hereby withdrawn and Resolution Nos. 1699-02, 1569-04 and 1374-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 17, 2005.
Effective October 21, 2005.

Res. No. 1972-05.

**By Council Member Brancatelli.
An emergency resolution with-
drawing objections to the transfer of stock and renewal of a D1, D2, D3 and D3A Liquor Permit at 5509 Fleet Avenue, and repealing Reso-
lution Nos. 1685-05 and 1375-05, ob-
jecting to said transfer and renew-
al.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 5509 Fleet Avenue by Resolution No. 1685-05 adopted by the Council on September 12, 2005 and Resolution No. 1375-05 adopted by the Council on July 13, 2005; and

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

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

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

Section 1. That objections to a D1, D2, D3, D3A and D6 Liquor Permit to Good Time Tavern, Inc., DBA Good Time Tavern, 5509 Fleet Avenue, Cleveland, Ohio 44105, Permanent Number 3290405 be and the same is hereby withdrawn and Resolution Nos. 1685-05 and 1375-05, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer and 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 October 17, 2005.
Effective October 21, 2005.

Ord. No. 1043-05.

By Council Members White, 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 East 131st Street and Marston Avenue to Union Miles Development Corporation, or its designee.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Union Miles Development Corporation, or its designee (the "Redeveloper") no longer needed for public use and located at East 131st and Marston Avenue; 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:

Property Address:
Vacant Land/Marston Avenue,
Cleveland, Ohio 44105

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublots 19 through 29 inclusive, and the Northerly 20 feet of Sublots 12 through 18, inclusive, in the Corlett Homestead Subdivision of part of Original Newburgh Township Lot No. 470 recorded in Volume 43, Page

22 of the Cuyahoga County Map Records and portions of East 133rd Street as vacated by Ordinance No. 1369-55, and Ordinance No. 1726-55, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublots 30 through 40 inclusive, and the rear 8 feet of Sublots 41, 42 and 43 in the Corlett Homestead Subdivision of part of Original Newburgh Township Lot No. 470 recorded in Volume 43, Page 22 of the Cuyahoga County Map Records and portions of East 133rd Street as vacated by Ordinance No. 1369-55, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot No 11 in the Corlett Homestead Subdivision of part of Original Newburgh Township Lot No. 470 recorded in Volume 43, Page 22 of the Cuyahoga County Map Records and bounded and described as follows. Beginning on the Southerly line of said Sublot No. 11 at its intersection with the Westerly line of Sublot No. 15 in said subdivision, thence Easterly along said Northerly line about 30.00 feet to its intersection with the Westerly line of Sublot No. 19; thence Northerly along said westerly line 15.00 feet; thence Southwesterly about 33.6 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No.: 138-11-156

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.

Passed October 17, 2005.
Effective October 21, 2005.

Ord. No. 1139-05.

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

An emergency ordinance authorizing the Director of City Planning to enter into one or more contracts with Bell, Burton, Carr Inc. for professional services necessary to prepare a land use and development plan for the "Forgotten Triangle" area in Ward 5.

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 City Planning is authorized to enter into one or more contracts with Bell, Burton, Carr, Inc. for professional services necessary to prepare a land use and development plan for the "Forgotten Triangle" in Ward 5, for the total sum of \$20,000. The contracts or contracts shall be paid from Fund No. 17 SF 652, Request No. 112371.

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 October 17, 2005.
Effective October 21, 2005.

Ord. No. 1271-05.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire properties for future redevelopment at the intersection of East 4th Street and Euclid Avenue for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey the properties to 410 Euclid, LLC.

Whereas, the Director of Economic Development has requested the acquisition of properties located at the intersection of East 4th Street and Euclid Avenue for future redevelopment; and

Whereas, the Director of Economic Development has requested the conveyance of the properties to 410 Euclid, LLC (the "Redeveloper") for the public purpose of future redevelopment of the properties; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire the following described properties for future redevelopment:

Permanent Parcel No. 101-26-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 90 and 91 and bounded and described as follows:

Beginning on the Southerly line of Euclid Avenue, at the Northwesterly corner of land conveyed to Ebenezer F. Starks by deed dated September 26, 1825, and recorded in Volume E, Page 397, of Cuyahoga County Records;

Thence Southerly at right angles to said Southerly line of Euclid Avenue, 99 feet to the Northerly line of land conveyed to the Western and Southern Life Insurance Company by deed recorded in Volume 5828, Page 617 of Cuyahoga County Records;

Thence Easterly along said Northerly line of land so conveyed to the Western and Southern Life Insurance Company by deed recorded in Volume 5828, Page 617 of Cuyahoga County Records, about 49.50 feet to the Southwesterly corner of land conveyed by Alva Bradley and wife to the Western and Southern Life Insurance Company by deed recorded in Volume 4810, Page 155 of Cuyahoga County Records;

Thence Northerly and parallel with the first described line, and along the Westerly line of land so conveyed to the Western and Southern Life Insurance Company by deed recorded in Volume 4810, Page 155 of Cuyahoga County Records, 99 feet to said Southerly line of Euclid Avenue;

Thence Westerly along said Southerly line of Euclid Avenue, about 49.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 101-26-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 90 and 91 and bounded and described as follows:

Beginning on the Southerly line of Euclid Avenue, at the Northwesterly corner of land conveyed to Harvey Rice by deed dated August 28, 1833, and recorded in Volume M, Page 627, of Cuyahoga County Records;

Thence Westerly along said Southerly line of Euclid Avenue, about 50 feet to the Northeastern corner of land conveyed to Lewis Dibble, by deed dated December 29, 1826, and recorded in Volume C, Page 195 of Cuyahoga County Records;

Thence Southerly along the Easterly line of land so conveyed to Lewis Dibble, about 99 feet to the Northerly line of land leased to John A. Ellsler, by Lease dated May 15, 1873, and recorded in Volume 4 of Leases, Page 357 of Cuyahoga County Records;

Thence Easterly along the Northerly line of land so leased to John A. Ellsler to the Westerly line of land conveyed to Harvey Rice, as foresaid;

Thence Northerly along the Westerly line of land so conveyed to Harvey Rice, 99 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties 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 properties.

Section 3. That the consideration to be paid for these properties shall be borne entirely by the Redeveloper and shall be at no cost to the City.

Section 4. That this Council finds that the conveyances to the Redeveloper constitutes a public use of the properties for the purposes of redevelopment.

Section 5. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the properties previously described in this ordinance to the Redeveloper, for a price of one dollar and other valuable considerations determined as fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deeds of conveyance.

Section 6. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deeds 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 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 October 17, 2005.

Effective October 21, 2005.

Ord. No. 1362-05.

By Council Member Johnson.
An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at 3071 East 130th Street to widen the intersection of East 130th and Griffing Avenue, for the Department of Parks, Recreation and Properties; determining the method of making the public improvement of demolishing the house at 3071 East 130th Street; and 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 of Parks, Recreation and Properties, with the approval of the Board of Control, to enter into a property adoption agreement with Shaker Square Area Development Corporation to install landscaping and for maintaining that portion of the property acquired which is not needed and not used for the street widening improvement.

Whereas, the Director of Parks, Recreation and Properties has requested the purchase of property which is located at 3071 East 130th Street to widen the intersection of East 130th and Griffing Avenue; 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 Purchases and Supplies is authorized to purchase the following described

property to widen the intersection of East 130th and Griffing Avenue:

P. P. No. 129-25-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 587, 588 and 589 in the L.H. Wain's Land Company's Rice Heights Allotment No. 2 of part of Original One Hundred Acre Lot Nos. 429 and 437 as shown by the recorded plat in Volume 48 of Maps, Page 2 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning at the point of intersection of the Easterly line of East 130th Street, to the Southerly line of Griffing Avenue, S.E.; thence Southerly along said Easterly line of East 130th Street, 35 feet; thence Easterly along a line parallel with said Southerly line of Griffing Avenue, S.E., 100 feet; thence Northerly along a line parallel with said Easterly line of East 130th Street, 35 feet to the said Southerly line of Griffing Avenue, S.E.; thence Westerly along said Southerly line of Griffing Avenue, S.E., 100 feet to the place of beginning.

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of demolishing the house at 3071 East 130th Street, for the Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 5. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. That all costs of land acquisition and demolition shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506.

Section 7. That, notwithstanding and as an exception of the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, with the approval of the Board of Control, the Director of Parks, Recreation and Properties is authorized to enter into a property adoption agreement with Shaker Square Area Development Corporation to install landscaping and for maintenance of the portion of the property acquired in Section 1 which is not needed and not used for the street widening improvement.

Section 8. That the property adoption shall not be construed as a conveyance of any right, title, or inter-

est in the public property, but is the grant of a privilege revocable at the will of Council.

Section 9. That the property adoption agreement shall be prepared by the Director of Law.

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.

Passed October 17, 2005.

Effective October 21, 2005.

Ord. No. 1513-05.

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Parks, Recreation and Properties.

Whereas, the public improvements authorized by this ordinance and funded from 2005 general obligation bonds are located only in odd-numbered wards in anticipation that in 2006 this Council will authorize public improvements located only in even-numbered wards; 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 under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 720-05, passed May 9, 2005, the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross

price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Parks, Recreation and Properties, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 4. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 720-05, passed May 9, 2005, the Director of Parks, Recreation and Properties is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 5. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 720-05, passed May 9, 2005, 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 items comprising the necessary supplies and materials for the improvement, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Parks, Recreation and Properties.

Section 6. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 720-05, passed May 9, 2005, the Director of Parks, Recreation and Properties is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties and certified by the Director of Finance.

Section 7. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 720-05, passed May 9, 2005, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

Section 8. That the cost of the improvement, professional services, and purchases shall be paid from Fund Nos. 20 SF 361, 20 SF 370, 20 SF 354, 20 SF 377, 20 SF 382, and 20 SF 392, 20 SF 501, Request No. 132902 and from any other funds appropriated for this purpose.

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

Passed October 17, 2005.

Effective October 21, 2005.

Ord. No. 1517-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with the Cleveland Metropolitan Housing Authority to provide financial assistance for the Lakeview Terrace project.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with the Cleveland Metropolitan Housing Authority to provide financial assistance for the Lakeview Terrace project.

Section 2. That the cost of the contract or contracts shall not exceed \$600,000 and shall be paid from Fund No. 13 SF 980, Request No. 149514.

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 October 17, 2005.

Effective October 21, 2005.

Ord. No. 1527-05.

By Council Member Cimperman.

An ordinance changing the Use, Area and Height Districts of property on the north and south sides of Jefferson Avenue between West 7th St. and Professor St. as shaded on the attached map from a General Retail Business District, a Two Family Residential District; 'B' and 'C' Area Districts and a '1' Height District to a Local Retail Business District, 'H' Area District and a '2' Height District (Map Change No. 2158, Sheet 5).

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

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

Beginning on the centerline of West 7 Street (99 feet wide) at a point distant 68 feet Southeasterly from the centerline of College Avenue S.W. (66 feet wide); thence Southwesterly and parallel with said College Avenue about 149.5 feet to a point on the Northeasterly line of Cuyahoga County Auditors permanent parcel number (ppn) 004-16-037; thence Southeasterly along the Northwesterly line of said ppn 004-16-037 about 35 feet to the Southeasterly corner thereof; thence Southwesterly and parallel with College Avenue as aforesaid about 43.5 feet to the Northeasterly line of ppn 004-16-038; thence Southeasterly along said ppn 004-16-038 about 50 feet to the Southeasterly corner thereof; thence Southwesterly along the rear line of ppn 004-16-039 and ppn 004-16-040 and the Southwesterly prolongation thereof to its intersection with the centerline of Thurman Street S.W.; of said Thurman Street to the centerline of Jefferson Avenue S.W. (66 feet wide); thence Northeasterly along the centerline of said Jefferson Avenue to the centerline of West 7 Street as aforesaid; thence Northwesterly along the centerline of said West 7 Street to the place of beginning; and shaded on the attached map is changed to a Local Retail Business District, an 'H' Area District and a '2' Height District.

Section 2. That the Use District of lands bounded and described as follows:

Beginning on the Centerline of Jefferson Avenue, S.W. at its intersection with the centerline of Thurman Street S.W., thence Southeasterly along the centerline of Thurman Street 183 feet to its intersection with the Northwesterly prolongation of the Southeasterly line of Cuyahoga County Auditors permanent parcel number (PPN) 004-17-013; thence Southwesterly along the Northwesterly prolongation and the Southeasterly line of said PPN 004-17-013 to the Southwesterly corner thereof; thence Northwesterly along the Southwesterly line of said PPN 004-17-013 and its Northwesterly prolongation 183 feet to the centerline of Jefferson Avenue as aforesaid; thence Southwesterly along said centerline of Jefferson Avenue about 34 feet to the Southeasterly prolongation of the Southwesterly line of permanent parcel number 004-16-029; thence Northwesterly along the Southeasterly prolongation and the Southwesterly line of said ppn 004-16-029 and ppn 004-16-122 and 171 feet to the Northwesterly corner thereof; thence Northeasterly along the Northwesterly prolongation to the centerline of Thurman Street; thence Southeasterly along the centerline of said Thurman Street about 171 feet to the centerline of Jefferson Avenue and the place of beginning; and as shaded on the attached map is changed to a Local Retail Business District.

Section 3. That the changed designation of lands described in Section 1 and 2 shall be identified as Map Change No. 2158, Sheet No. 5, 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 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed October 17, 2005.
Effective November 26, 2005.

Ord. No. 1541-05.**By Mayor Campbell.**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties located at Steelyard Commons for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Revised Code Section 5709.41; and authorizing an agreement between the City and Steelyard Commons LLC.

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 Purchases and Supplies is authorized to acquire from Steelyard Commons LLC and re-convey to Steelyard Commons LLC for a price of one dollar and other valuable consideration determined as fair market value the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Ohio Revised Code Section 5709.41:

**LEGAL DESCRIPTION
OF A**

122.8245 ACRE PARCEL OF LAND

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Brooklyn Township Lot Number's 72, 73, 84 and 85, and further known as being a part of Steelyard Commons LLC, an Ohio limited liability company, as recorded by AFN 200501210745, and clarified by AFN 200502170897;

Beginning at a drill hole in stone monument found and used on the center line of West 14th Street, 100 feet wide, and the extension of the northerly line of Clark Avenue, 63 feet wide;

Thence South 00° 37' 07" East along the center line of West 14th Street, a distance of 1397.02 feet to a stone monument found and used;

Thence continuing South 00° 37' 07" East along the center line of West 14th Street produced, a distance of 109.00 feet to a point therein;

Thence North 88° 32' 24" East, and passing over the easterly line of West 14th Street produced, 50.00 feet therefrom, a total distance of 110.00 feet to a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.03 feet (South), and 0.13 feet (East), on the southerly line of land now or formerly owned by Industrial Fasteners Enterprises, as recorded in Volume 95-0710, page 36 of Cuyahoga County Records, and the north-westerly corner of said Steelyard Commons LLC;

Thence South 66° 22' 30" West along said westerly line of Steelyard Commons LLC, a distance of 106.47 feet to the Principal Place of Beginning, which is referenced by a 5/8

inch iron pin found with cap, "Hantel S-5159", 0.14 feet (South), and 0.08 feet (East);

Thence South 63° 27' 28" East, a distance of 268.29 feet to a 3/4 inch iron pin to be set with aluminum cap, at an angle point;

Thence North 81° 35' 26" East, a distance of 335.14 feet to a 3/4 inch iron pin to be set with aluminum cap;

Thence North 70° 07' 09" East, a distance of 697.71 feet to a 3/4 inch iron pin to be set with aluminum cap on the westerly line of land now or formerly owned by The Cleveland Electric Illuminating Company, by deed recorded in Volume 8855, Page 260 of Cuyahoga County Records;

Thence South 31° 01' 17" West continuing along said westerly line of Cleveland Electric Illuminating Company, a distance of 135.15 feet to a 5/8 inch iron pin found and used with cap, "Hantel S-5129", 0.03 feet (North);

Thence South 17° 42' 57" West continuing along said westerly line of Cleveland Electric Illuminating Company, a distance of 93.67 feet to the southwesterly corner thereof, which is referenced by a 5/8 inch iron pin found cap, "Hantel S-5129", 0.05 feet (South);

Thence South 31° 52' 43" East along the southerly line of Cleveland Electric Illuminating Company, a distance of 104.00 feet to a railroad spike found and used;

Thence South 58° 58' 43" East continuing along the southerly line of Cleveland Electric Illuminating Company, a distance of 33.81 feet to an angle point, which is referenced by a railroad spike found, 0.04 feet (South);

Thence South 52° 07' 43" East continuing along said southerly line of Cleveland Electric Illuminating Company, a distance of 139.63 feet to a point on the westerly line of land now or formerly owned by C.S.X. Transportation, Inc., and known as P.P. No. 008-30-005 which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.06 feet (North);

Thence South 31° 00' 20" West along said westerly line of C.S.X. Transportation, Inc., a distance of 429.70 feet to a 5/8 inch iron pin found and used with cap, "Hantel S-5129", at a point of curvature;

Thence continuing along said westerly line of C.S.X. Transportation, Inc., and along the arc of a curve deflecting to the left, and having a radius of 1910.05 feet, a central angle of 03° 00' 13", a tangent of 50.08 feet, a chord of 100.12 feet which bears South 29° 30' 37" West, a distance of 100.13 feet to a point, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.09 feet (East);

Thence South 17° 12' 09" West continuing along said westerly line of C.S.X. Transportation, Inc., a distance of 336.66 feet to a point of curvature, which is referenced by a chiseled "x" found on a railroad track siding, 0.03 feet (South) and 0.19 feet (West);

Thence continuing along said westerly line of C.S.X. Transportation, Inc., and along the arc of a curve deflecting to the left, and hav-

ing a radius of 2200.00 feet, a central angle of 07° 50' 00", a tangent of 150.62 feet, chord of 300.54 feet which bears South 13° 17' 09" West, a distance of 300.78 feet to a 5/8" iron pin found and used with cap "Hantel S-5129";

Thence South 09° 22' 09" West continuing along said westerly line of C.S.X. Transportation, Inc., a distance of 1353.64 feet to a point of curvature, which is referenced by a 5/8" iron pin found with cap "Hantel S-5129", 0.09 feet (East);

Thence continuing along said westerly line of C.S.X. Transportation, Inc., and along the arc of a curve deflecting to the left, and having a radius of 2828.00 feet, a central angle of 18° 26' 06", a tangent of 458.93 feet, chord of 906.01 feet which bears South 00° 09' 05" West, a distance of 909.91 feet to a point on the northerly line of Vacated Jennings Road SW, as shown by the recorded Plat in Volume 275, Pages 64 and 65 of Cuyahoga County Map Records, which is referenced by a one inch iron bar in clay pipe found, 0.07 feet (North), and 0.35 feet (East), and a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.09 feet (South), and 0.26 feet (East);

Thence South 03° 51' 05" West, a distance of 44.61 feet to an angle point in the centerline of said Vacated Jennings Road SW, which is referenced by a one and one-quarter inch iron pin monument found, 0.44 feet (North);

Thence South 15° 50' 30" East along said centerline of Vacated Jennings Road SW, a distance of 644.56 feet to an angle point, which is referenced by a one inch iron pin monument found, 1.87 feet (East), and 1.80 feet (South);

Thence South 89° 22' 53" West, and passing over the westerly line of aforementioned Vacated Jennings Road SW, which is referenced by a one inch hex bolt found in a 12 inch diameter concrete monument, 0.07 feet (South), and 0.31 feet (East), 62.18 feet therefrom, a total distance of 504.83 feet to a point on a curve on the easterly limited access line of State Route 176, which is referenced by a one inch hex bolt found in a 12 inch diameter concrete monument, 0.41 feet (South), and 0.05 feet (East);

Thence North 21° 03' 01" West along said easterly limited access line of State Route 176, and along the arc of a curve deflecting to the right, and having a radius of 502.46 feet, a central angle of 27° 27' 45", a tangent of 122.78 feet, a chord of 238.54 feet which bears North 34° 46' 54" West, a distance of 240.83 feet to a point, which is referenced by a one inch hex bolt found in a 12 inch diameter concrete monument, 0.29 feet (East);

Thence North 21° 03' 01" West, continuing along said easterly limited access line of State Route 176, a distance of 555.09 feet to a point of curvature, which is referenced by a 5/8 inch iron pin found, 0.09 feet (South), and 0.13 feet (East);

Thence continuing along said easterly limited access line of State Route 176, and along the arc of a curve deflecting to the left, and having a radius of 2366.21 feet, a cen-

tral angle of 07° 03' 27", a tangent of 145.92 feet, a chord of 291.28 feet which bears North 24° 36' 26" West, a distance of 291.46 feet to a point of curve, which is referenced by a drill hole found, 0.10 feet (East);

Thence continuing along said easterly limited access line of State Route 176, and along the arc of a curve deflecting to the left, and having a radius of 2353.18 feet, a central angle of 02° 20' 16", a tangent of 48.01 feet, a chord of 96.01 feet which bears North 29° 15' 11" West, a distance of 96.01 feet to a point on the southerly line of Vacated Jennings Road SW, which is referenced by a 3/4 inch iron pin found, 0.87 feet (North), and 0.34 feet (East);

Thence South 59° 51' 53" East along said southerly line of Vacated Jennings Road SW, a distance of 2.90 feet to a point therein;

Thence North 30° 08' 07" East continuing along said easterly limited access line of State Route 176, a distance of 40.00 feet to an angle point in the centerline of said Vacated Jennings Road SW, which is referenced by a drill hole in stone monument found, 0.17 feet (North);

Thence North 35° 54' 51" West continuing along said easterly limited access line of State Route 176, and along the centerline of Vacated Jennings Road SW, a distance of 1173.49 feet to a 5/8 inch iron pin to be set with cap, #7394 (Ciuni & Lynn);

Thence North 16° 05' 45" West continuing along said easterly limited access line of State Route 176, and passing over the northerly line of said Vacated Jennings Road SW, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.14 feet (North), and 0.03 feet (East), 117.98 feet therefrom, a total distance of 165.48 feet to a point of curve, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.10 feet (North), and 0.04 feet (East);

Thence continuing along said easterly limited access line of State Route 176, and along the arc of a curve deflecting to the right, and having a radius of 674.07 feet, a central angle of 34° 18' 53", a tangent of 208.11 feet, a chord of 397.70 feet which bears North 07° 44' 59" West, a distance of 403.70 feet to a point on the easterly limited access line of Interstate Route 71, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.07 feet (North), and 0.03 feet (West);

Thence North 09° 24' 27" East along said easterly limited access line of Interstate Route 71, a distance of 100.00 feet to an angle point, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.21 feet (North), and 0.04 feet (West);

Thence North 79° 06' 29" West continuing along said easterly limited access line of Interstate Route 71, a distance of 12.25 feet to an angle point, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.13 feet (North), and 0.04 feet (East);

Thence North 10° 53' 31" East continuing along said easterly line of Interstate Route 71, a distance of 341.96 feet to a point of curvature, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.08 feet (North), and 0.13 feet (East);

Thence continuing along said easterly limited access line of Interstate Route 71, and along the arc of a curve deflecting to the right, and having a radius of 2265.67 feet, a central angle of 06° 27' 02", a tangent of 127.67 feet, a chord of 254.94 feet which bears North 14° 07' 02" East, a distance of 255.08 feet to a point of curve, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.04 feet (North), and 0.08 feet (East);

Thence continuing along said easterly limited access line of Interstate Route 71, and along the arc of a curve deflecting to the right, and having a radius of 930.76 feet, a central angle of 23° 23' 43", a tangent of 192.71 feet, a chord of 377.42 feet which bears North 31° 56' 04" East, a distance of 380.05 feet to a point, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.07 feet (East);

Thence North 43° 37' 55" East continuing along said easterly limited access line of Interstate Route 71, a distance of 75.00 feet to a 5/8 inch iron pin found and used with cap, "Hantel S-5129", at an angle point;

Thence North 64° 07' 55" East continuing along said easterly limited access line of Interstate Route 71, a distance of 562.21 feet to an angle point, which is referenced by a railroad spike found, 0.16 feet (East);

Thence North 17° 26' 05" East continuing along said easterly limited access line of Interstate Route 71, a distance of 261.32 feet to an angle point, which is referenced by a 5/8 inch iron pin found with cap, "Hantel S-5129", 0.12 feet (South);

Thence North 24° 33' 12" West continuing along said easterly limited access line of Interstate Route 71, a distance of 66.90 feet to the Principal Place of Beginning, and containing 122.8245 acres of land, be the same more or less, but subject to all legal highways and easements of record.

Prepared By:
Adache-Ciuni-Lynn Associates
Project No.: 204103
July 26, 2005

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties 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 properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyances shall be made by official deeds prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with Steelyard Commons LLC which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Passed October 17, 2005.
Effective October 21, 2005.

Ord. No. 1644-05.
By Council Members Cimperman, Pierce Scott and Jackson (by departmental request).

An emergency ordinance authorizing the Flats East Bank Community Development Plan for the Flats East Bank Plan Area and for the Action Area within the Plan; and making certain findings and determinations in connection with the Plan.

Whereas, a proposed community development plan, designated as the Flats East Bank Community Development Plan, dated September, 2005 (the "CD Plan"), for the plan area designated and described in the CD Plan (the "Plan Area"), has been prepared and submitted to Council; and

Whereas, the CD Plan includes an area described and designated within the Plan Area as the Action Area (the "Action Area") and the Plan contemplates certain activities and treatment for the elimination of conditions of blight and deterioration and for the prevention of its recurrence within the Plan; and

Whereas, the City Planning Commission has found and determined that the Plan Area is a blighted and deteriorated area within the meaning of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976 and Section 1728.01 of the Revised Code; and

Whereas, the findings of the City Planning Commission are based on a document entitled "East Bank of the Flats Building Conditions Survey, September 2005" ("the Survey") with respect to the Plan Area; and the City Planning Commission has further found and determined, based on the Survey, that the Action Area is a blighted and deteriorated area within the meaning of Section 313.02 of the codified ordinances and Section 1728.01 of the Revised Code; and

Whereas, under notice duly given, the City Planning Commission held a public hearing on the Plan which includes the Action Area, and the City Planning Commission has approved the CD Plan; and

Whereas, the CD Plan amends and supersedes any previously adopted plan with respect to the Plan Area; and

Whereas, the Survey, the CD Plan dated September, 2005, and the City Planning Commission findings and related materials have been presented to this Council, and have been placed in File No. 1644-05-B; and

Whereas, oral reports and testimony have been presented by City staff, and Council has been apprised of the facts, conditions, structural deficiencies, and blighted influences pertaining to the Plan Area and the Action Area, including the existence of a majority of structures that are blighted due to one or more of the following factors: structural deficiencies, deterioration, dilapidation, obsolescence, nonconformities with modern code requirements relating to building or fire protection, existing conditions therein endangering life and property by fire or other causes, or other conditions which are detrimental to the public health, safety, morals and general welfare; and

Whereas, this Council has determined that it shall be City policy that specific "Action Areas," with defined boundaries, within community development plan areas will be established by the City when the City has determined that the presence of blight, and the possible recurrence of blight, can be prevented through City or private maintenance, rehabilitation or redevelopment; and

Whereas, the CD Plan contemplates general measures to eliminate the conditions of blight and deterioration from the Plan Area; and the Action Area portion of the Plan contemplates specific measures to eliminate such conditions of blight and deterioration from the Action Area by providing for the maintenance, rehabilitation, or clearance and redevelopment of structures on the property comprising the area described in the Action Area, under the CD Plan Standards; and

Whereas, for the above reasons, this Council has determined that the Plan for the Action Area, and the implementation of the measures within the Plan will be in the best interests of the citizens of the City and will provide for the general health, safety, and welfare of the City; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety in that approval of the CD Plan for the Action Area is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration and for the prevention of its recurrence in the Plan Area; now therefore,

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

Section 1. That, based on the facts and conditions concerning blight and deterioration contained in the Survey and the findings and reports referenced above, this Council finds and determines that the area described as the Plan Area in the following description is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976:

Flats East Bank Community Development Plan Area

Beginning at the intersection of the Northerly right of way of Main Avenue N.W. (40 feet wide) and the Westerly right of way of West 9th Street (99 feet wide); thence Northwesterly along said Westerly right of way of West 9th Street to its intersection with the Southerly bridge abutment of the R.T.A waterfront rail line;

thence Southwesterly, Southerly and Southeasterly along said Southerly R.T.A. bridge abutment to its intersection with the Southerly property line of Parcel "B" of a Lot Split and Consolidation for the Consolidated Rail Corporation recorded in Volume 281 Pages 23 and 24 of Cuyahoga County Records; thence Southwesterly along said Southerly property line of Parcel "B" to its intersection with the Easterly dock line of the Cuyahoga river; thence Southerly along said Easterly dock line to its intersection with the Southerly line of the Main Avenue bridge; thence Northeasterly along said Southerly line to its intersection with the Easterly line of Old River Road; thence Southerly along said Easterly line of Old River Road to its intersection with the Northerly line of Sublot No. 9 in the H. Curtis ET.AL. Subdivision recorded in Volume 4 Page 30 of Cuyahoga County Map Records;

thence Easterly along said Northerly line of Sublot No. 9 and its Easterly prolongation Westerly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 90-2362 Pages 4 through 17 of Cuyahoga County Map Records;

thence Northwesterly along said Westerly line of parcel conveyed to the City of Cleveland and its Northwesterly prolongation to its intersection with said Northerly right of way of Main Avenue N.W. (40 feet wide);

thence Northeasterly along said Northerly right of way of Main Avenue N.W. (40 feet wide) to its intersection with said Westerly right of way of West 9th Street (99 feet wide) and the principle place of beginning.

Section 2. That, based on the facts and conditions concerning blight and deterioration contained in the Survey and the findings and reports referenced above, this Council finds and determines that the area described as the Action Area which is equal to and the same as the boundary described as the Plan Area, is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976, notwithstanding and as an exception to certain notice requirements of Section 315.03 of the codified ordinances.

Section 3. That the Survey, findings, and reports concerning the facts and conditions regarding blight and deterioration in the Plan Area and Action Area are accepted. This Council finds and determines that the public actions and policies proposed and contemplated by the CD Plan are necessary and appro-

priate in order to eliminate the conditions of blight and deterioration and prevent its recurrence. This Council finds and determines that the CD Plan for the Plan Area and the Action Area are approved as a Community Development Plan within the meaning of, and for the purposes of the codified ordinances and the procedures followed for preparation and approval of the CD Plan and hearing are approved. This Council further finds and determines that the CD Plan conforms to and is in compliance with the applicable provisions of the codified ordinances.

Section 4. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, this Council finds and determines that the CD Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and Action Area. This Council also finds and determines that the Plan gives the due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and the Plan is in conformity with the general plan of the City and the workable program for community improvements of the City.

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 October 17, 2005.

Effective October 21, 2005.

Ord. No. 1650-05.

By Council Members Pierce Scott, 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 in the Cleveland Enterprise Park to Project and Construction Services, Inc.; and authorizing the Director of Economic Development to enter into a Purchase Agreement with Project and Construction Services, Inc.

Whereas, the Director of Economic Development has requested the sale of the City-owned property to Project and Construction Services, Inc. (the "Redeveloper") no longer needed for public use and located in the Cleveland Enterprise Park; 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: All of Parcel No. 5 (5.16 acres), as shown on Cleveland Enterprise Park Re-Subdivision Phase I Plat Recorded at Volume 295, pages 88 and 89 of Cuyahoga County Map Records.

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 the Director of Economic Development is authorized to enter into a Purchase Agreement with Project and Construction Services, Inc. ("PCS") for the redevelopment of the property.

Section 5. That the Purchase Agreement and deed shall contain the following: The City will sell the land to PCS for \$150,000 an acre (\$774,000) for the site which is due at closing. In exchange for the \$150,000 an acre price, the City will require PCS to do the following: 1) that at least a 45,000 square foot office building to be constructed; 2) that 65% of the Phase I building be leased; and (3) that not less than 100 employees shall be employed in the Phase I building within 9 months after PCS receives a temporary or final certificate of occupancy for the new building. If any of the above 3 conditions are not met, PCS will owe the City an additional \$126,000. After the building is constructed, the worth of the land shall be \$175,000 an acre (or the appraised price of \$900,000 for the site). The City will also have the right to repurchase the land at the same price as PCS paid for it should PCS not begin construction within 12 months of receiving title to the property, or if construction is not completed within 24 months after beginning construction.

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

Passed October 17, 2005.
Effective October 21, 2005.

Ord. No. 1651-05.
By Council Members Cimperman, Pierce Scott and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Hahn Manufacturing Company, to provide development assistance to partially finance the acquisition of personal property including machinery and equipment, for the property located at 4100 Hamilton Avenue, and certain other costs necessary to redevelop the property.

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

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

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its August 25, 2005 meeting; and

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

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

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

Section 1. That, provided Hahn Manufacturing Company submits documents required by the City's bond counsel, the Director of Economic Development is authorized to enter into contract with Hahn Manufacturing Company to provide development assistance to partially finance the acquisition of personal property including machinery and equipment located at 4100 Hamilton Avenue, and certain other costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1651-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed One Hundred Thirty Thousand Dollars (\$130,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103674.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set

forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

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

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

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

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

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

Passed October 17, 2005.
Effective October 21, 2005.

Ord. No. 1653-05.
By Council Members Pierce Scott and Jackson (by departmental request).

An emergency ordinance approving the Tax Incentive Review Council's Year 2004 recommendations.

Whereas, under Section 5709.88 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.88 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions

to be approved by the legislative authority; and

Whereas, under division (D) of Section 5709.88 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; and

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

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

Section 1. That the TIRC's Year 2004 recommendations contained in File No. 1653-05-A are approved.

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 October 17, 2005.

Effective October 21, 2005.

Ord. No. 1829-05.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a grant from United States Department of Commerce National Oceanic Atmospheric Administration for the Flats East Bank Riverfront Park.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the approximate amount of \$1,464,735, from United States Department of Commerce National Oceanic Atmospheric Administration for the Flats East Bank Riverfront Park; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the U.S. Department of Commerce financial assistance award and summary for the grant contained in the file described below.

Section 2. That the U.S. Department of Commerce financial assistance award and summary for the grant, File No. 1829-05-B, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That 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.

Passed October 17, 2005.

Effective October 21, 2005.

Ord. No. 1834-05.

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

An emergency ordinance approving in its entirety the Fact-Finder's report, findings and recommendations in the matter of City of Cleveland and the Ohio Patrolmen's Benevolent Association House of Correction 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, having duly considered the Fact-Finder's report, findings and recommendations in the matter of City of Cleveland and the Ohio Patrolmen's Benevolent Association House of Correction Guards, which were delivered to the City on September 22, 2005 via-email, a copy of which is contained in File No. 1834-05-A, this Council accepts the Fact-Finder's report, findings, and recommendations in their entirety.

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 October 17, 2005.

Effective October 21, 2005.

Ord. No. 1862-05.

By Council Member Jackson (by departmental request).

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

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Alltel Communications Services to provide telecommunications connections between the police mobile data computers and the CRIS devices for

LEADS, in the total sum of \$159,600, for the Department of Finance, for a period of one year, with two consecutive one-year options to renew, exercisable by the Director of Finance. The contracts or contracts shall be paid from Fund No. 01-600201-631000, Request No. 141987.

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

Passed October 17, 2005.

Effective October 21, 2005.

Ord. No. 1863-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Imperial Parking Company for the purchase of not to exceed eleven parking spaces located in the garage adjacent to the 205 St. Clair building, for the Division of Information Technology and Services, Department of Finance, for a period of one year, with two one-year options to renew.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Imperial Parking Company. Therefore the Director of Finance is authorized to make one or more written contracts with Imperial Parking Company for not to exceed eleven parking spaces, with two parking spaces reserved for the exclusive use of the Cleveland City Council Archives staff, located in the garage adjacent to the 205 St. Clair building, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Information Technology and Services, Department of Finance, for a period of one year, with two consecutive one-year options to renew, exercisable by the Director of Finance.

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

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

Passed October 17, 2005.

Effective October 21, 2005.

Ord. No. 1864-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with MCI Telecommunications, or one or more contracts with whoever is the State of Ohio's vendor for this service, to provide, install, maintain, and support a T1 link between the City and the State of Ohio to provide video conferencing capabilities for liquor hearings.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with MCI Telecommunications, or one or more contracts with whoever is the State of Ohio's vendor for this service, to provide, install, maintain, and support a T1 link between the City and the State of Ohio to provide video conferencing capabilities for liquor hearings, for a period not to exceed one year.

Section 2. The cost of the contract or contracts authorized by Section 1 of this ordinance shall not exceed \$40,860.00, payable from Fund No. 70 SF 101, Request No. 141986.

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

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

Passed October 17, 2005.
 Effective October 21, 2005.

Ord. No. 1888-05.
By Council Members Pierce Scott, Cimperman and Jackson (by departmental request).

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

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

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

Section 1. That the Director of Community Development is authorized to enter into a Community Development Block Grant Float Loan Agreement with Famicos Foundation, or its designee, to provide financial assistance to partially finance the rehabilitation of the 1850 Superior Avenue Apartments to provide permanent supportive housing.

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

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

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

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

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

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

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

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

Passed October 17, 2005.
 Effective October 21, 2005.

Ord. No. 1965-05.
By Council Member Cimperman.
An emergency ordinance amending the Title and Section 1 of Ordinance No. 1312-05 passed July 13, 2005 as it pertains to authorizing the Director of Community Development to enter into an agreement with Lutheran Metropolitan Ministry for the Neighborhood Partnership Program through the use of Ward 13 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. 1312-05 passed July 13, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Lutheran Metropolitan Ministry for the Neighborhood Partnership Program through the use of Ward 13 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with Lutheran Metropolitan Ministry for the Neighborhood Partnership Program for the public purpose of providing employment training and community services to the homeless population in City of Cleveland through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the Title and Section 1 of Ordinance No. 1312-05 passed July 13, 2005 are hereby repealed.

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

Passed October 17, 2005.
 Effective October 21, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, October 24, 2005
2:00 p.m.

Finance Committee: Present: Sweeney, Vice Chair; Reed, Brady, Conwell, Cimperman, Westbrook, Coats, White. *Authorized Absence:* Jackson, Chair; Pierce Scott, Britt. *Tempore:* Lewis, Zone, Knight.

Tuesday, October 25, 2005
9:30 a.m.

Community and Economic Development Committee: Present: Pierce Scott, Chair; Cimperman, Vice Chair; Cintron, Reed, Coats, Westbrook, Brady, Zone, Lewis.

Wednesday, October 26, 2005
9:30 a.m.

Public Safety Committee: Present: Reed, Chair; Brady, Knight, Coats, Kelley, Conwell, White, Zone. *Authorized Absence:* Britt, Vice Chair.

1:30 p.m.

City Planning (Zoning) Committee: Present: Cimperman, Chair; Conwell, Vice Chair; Brancatelli, Lewis, Kelley. *Authorized Absence:* Lipovan Holan, Pierce Scott.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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