

The City Record

Official Publication of the Council of the City of Cleveland



May the Twenty-Fifth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	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	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli		
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Emily Lipovan Holan		
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 – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

DIVISIONS: Air Quality – 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 – Natalie A. Ronayne, Director

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane

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

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl

Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank

G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F.

Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President;

Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director

Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities

Director Julius Ciaccia; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela

Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud,

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Teresa M. Beasley; Chairman; Finance

Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald

Baulknlight, 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	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Joan Synenberg	12A
Judge Pauline H. Tarver	12C
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	13C

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, MAY 25, 2005

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CITY COUNCIL

MONDAY, MAY 23, 2005

The City Record

Published weekly by the City Clerk,
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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

11:00 A.M. — **Public Service Com-
mittee:** Sweeney, Chairman; Jones,
Vice Chairman; Brady, Cimperman,
Johnson, Kelley, Polensek, White,
Zone.

11:00 A.M. — **Employment, Affir-
mative Action & Training Commit-
tee:** 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, Reed, Pierce Scott, West-
brook, White.

TUESDAY

9:30 A.M. — **Community and Eco-
nomic Development Committee:**
_____, Chairman; Cimperman,
Vice Chairman; Cintron, Coats,
Jones, Lewis, Reed, Pierce Scott,
Zone.

TUESDAY—Alternating

1:00 P.M. — **Health & Human Ser-
vices Committee:** Britt, Chairman;
Zone, Vice Chairman; Cintron, Con-
well, Pierce Scott, Polensek.

1:30 P.M. — **Legislation Committee:**
White, Chairman; Pierce Scott, Vice
Chairman; Dolan, Johnson, West-
brook.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transporta-
tion Committee:** Westbrook, Chair-
man; Sweeney, Vice Chairman; Britt,
Dolan, Reed.

10:00 A.M. — **Public Safety Com-
mittee:** Reed, Chairman; Britt, Vice
Chairman; Brady, Coats, Conwell,
Jones, Kelley, White, Zone.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Com-
mittee:** Coats, Chairman; Brady,
Vice Chairman; Cintron, Jones, Kel-
ley, Polensek, Sweeney, Westbrook,
Zone.

1:30 P.M. — **City Planning Com-
mittee:** Cimperman, Chairman,
_____, Vice Chairman, Con-
well, Kelley, Lewis, Pierce Scott,
Westbrook.

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

**Personnel and Operations Commit-
tee:** _____, Chairman; Britt,
Cimperman, Coats, Pierce Scott.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, May 23, 2005

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

Council Members present: Brady,
Britt, Cimperman, Cintron, Coats,
Conwell, Dolan, Gordon, Johnson,
Kelley, Lewis, Pierce Scott, Polen-
sek, Reed, Rybka, Sweeney, West-
brook, White and Zone.

Also present were Chief of Staff
Ronayne, and Directors Beasley,
Baker, Mok, Ricchiuto, Carroll, N.
Ronayne, Williams, Routen, Fumich,
Johnson, Appolito, Brown, Johnson,
and Margreat Jackson, Legislative
Liaison.

Pursuant to Ordinance No. 2926-76,
prayer was offered by Bishop John
Hilton of The Faith Temple Church
of God, located at 7035 Lexington
Avenue in Ward 7. Pledge of Alle-
giance.

MOTION

On the motion of Council Member
Kelley, the reading of the minutes
of the last meeting was dispensed
with and the journal approved. Sec-
onded by Council Member Polensek.

COMMUNICATION

File No. 1066-05.

May 20, 2005

Honorable Frank G. Jackson, President
Cleveland City Council
City Hall, Room 220
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson:

I have agreed to accept an offer
to serve as the Assistant Planning
Director for the City of Cleveland
effective May 24, 2005. Therefore, it
is necessary that I resign my posi-
tion as Council Member of Ward
Twelve, effective at 5:00 p.m. on
May 23, 2005.

I respectfully request that the
members of the Democratic Caucus
appoint Anthony Brancatelli as
Council Member of Ward Twelve at
the Caucus meeting on May 23, 2005.
Many Members of City Council know
Mr. Brancatelli as he has served as
the Executive Director of the Slavic
Village Development CDC the past
fifteen years. He will be a great
addition to City Council.

Although my service as a Council
Member concludes, my engagement
with the Members of this body will
actually be enhanced as I work to
assist you, Mr. President, and my
colleagues with your plans and
visions to enhance the neighbor-
hoods of this City.

I appreciate your support and the
support of my colleagues relative to
the robust agenda that I have pur-
sued in the Broadway community. It
has been an honor and privilege to
have been a Member of the Cleve-
land City Council.

Very truly yours,
Edward W. Rybka
Council Member, Ward 12

Received.

ELECTION TO FILL VACANCY IN WARD 12

The Clerk of Council read a let-
ter of resignation from Council
Member Edward W. Rybka of
Ward 12. The President of Council
accepted the resignation and de-
clared a vacancy in Ward 12. Coun-
cil Member Joe Cimperman nomi-
nated Anthony Brancatelli to serve
as Council Member representing
Ward 12. Council Member Robert J.
White seconded the nomination.

Without objection, the nominations were closed.

Thereupon, the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Council Member of Ward 12. Upon completion of the roll call, the Clerk announced that Anthony Brancatelli received 19 votes.

Those who voted for Anthony Brancatelli were Council Members: Jackson, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Kelley, Lewis, Pierce Scott, Polensek, Reed, Sweeney, Westbrook, White and Zone.

Absent: Council Member Jones. The Chair declared Anthony Brancatelli, having received the unanimous vote of all the members elected to Council to be the duly elected Council Member of Ward 12.

The President requested Council Members Sweeney, Cimperman and White to escort the duly elected Member of Council to the podium to have the oath of office administered by The Honorable Ray Pianka, Housing Court Judge of Cleveland Municipal Court.

Council Member Brancatelli took his seat in the Council Chambers and thanked his family, friends and constituents and then assumed the duties of the Council, representing, Ward 12.

File No. 1068-05.

OATH OF OFFICE

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

I, **ANTHONY BRANCATELLI**, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of **WARD 12 REPRESENTATIVE OF CLEVELAND CITY COUNCIL**, of the City of Cleveland, State of Ohio, during my continuance in said office.

ANTHONY BRANCATELLI

Sworn before me and subscribed in my presence this 23rd day of May, 2005.

REBECCA K. SCHALTENBRAND
Notary Public, State of Ohio
My Commission Has No Expiration Date
Ohio Revised Code Section 147.03

Received.

COMMUNICATION

File No. 1067-05.

May 23, 2005

Frank G. Jackson, Council President
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Jackson,

It has been an honor to serve on Cleveland City Council as the representative from the 15th Ward

which includes the neighborhoods of Brooklyn Centre and Old Brooklyn.

As Chair of the Council's Community and Economic Development Committee and the Public Health Committee I've had the opportunity to implement numerous policy initiatives that positively impact the lives of the residents of the City of Cleveland. This work has been both challenging and rewarding.

It is with mixed emotions that I submit this letter of resignation, effective today at 5:01 pm. I intend to pursue my master's degree in public administration at the John F. Kennedy School of Government in Cambridge, Massachusetts this fall.

I hereby submit to the Caucus of Cleveland City Council, the name of Emily Lipovan Holan as my replacement, as I believe she will be an asset to the community as well as Council.

Thank you.

Very truly yours,
Merle Gordon

Received.

**ELECTION TO FILL
VACANCY IN WARD 15**

The Clerk of Council read a letter of resignation from Council Member Merle R. Gordon of Ward 15. The President of Council accepted the resignation and declared a vacancy in Ward 15. Council Member Martin J. Sweeney nominated Emily Lipovan Holan to serve as Council Member representing Ward 15. Council Member Sabra Pierce Scott seconded the nomination. Without objection, the nominations were closed.

Thereupon, the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Council Member of Ward 15. Upon completion of the roll call, the Clerk announced that Emily Lipovan Holan received 19 votes.

Those who voted for Emily Lipovan Holan were Council Members: Jackson, Brady, Brancatelli, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Johnson, Kelly, Lewis, Pierce Scott, Polensek, Reed, Sweeney, Westbrook, White and Zone.

Absent: Council Member Jones. The Chair declared Emily Lipovan Holan, having received the unanimous vote of all the members elected to Council to be the duly elected Council Member of Ward 15.

The President requested Council Members Martin J. Sweeney, Dona Brady, Patricia J. Britt, Fannie M. Lewis and Sabra Pierce Scott to escort the duly elected Member of Council to the podium to have the oath of office administered by The Honorable Judge Joseph J. Zone of Cleveland Municipal Court.

Council Member Lipovan Holan took her seat in the Council Chambers and thanked her family, friends and constituents and then assumed the duties of the Council, representing, Ward 15.

File No. 1069-05.

OATH OF OFFICE

STATE OF OHIO)
) SS:
COUNTY OF CUYAHOGA)

I, **EMILY LIPOVAN HOLAN**, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of **WARD 15 REPRESENTATIVE OF CLEVELAND CITY COUNCIL**, of the City of Cleveland, State of Ohio, during my continuance in said office.

EMILY LIPOVAN HOLAN

Sworn before me and subscribed in my presence this 23rd day of May, 2005.

REBECCA K. SCHALTENBRAND
Notary Public, State of Ohio
My Commission Has No Expiration Date
Ohio Revised Code Section 147.03

Received.

COMMUNICATION

File No. 1080-05.

From East Fourth Neighborhood/MRNLTD — appeal to the City's decision to abandon two vaults at 502 Euclid Avenue. Received.

**FROM DEPARTMENT OF
LIQUOR CONTROL**

File No. 1081-05.

Re: New Application — 84651870005 — Paulette D. Stewart, d.b.a. Ttampas Mini Mart, 9400 Buckeye Road. (Ward 4). Received.

File No. 1082-05.

Re: Transfer of Ownership Application — 1255985 — Card Cal LLC, d.b.a. Rockies, 9208 Detroit Avenue & patio. (Ward 18). Received.

PLAT

File No. 1083-05.

Parkside Subdivision Plat — Phase 1. (Ward 8).

Approved by Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 1084-05 — Katie Hunter Avery.

Res. No. 1085-05—Medeia Carter.

Res. No. 1086-05—Devonté Carter.

Res. No. 1087-05—Moses Williams, Jr.

Res. No. 1088-05 — Maleeya Williams.

Res. No. 1089-05—Fakih Jones.

Res. No. 1090-05—Antwon Jackson, Jr.

Res. No. 1091-05 — Earnest Tate, Jr.

Res. No. 1092-05—Miles Cockfield.

Res. No. 1093-05 — Shauntavia Mitchell.

Res. No. 1094-05—Fred Collins.

CONGRATULATION RESOLUTION

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

Res. No. 1095-05—Bob Sabatka.

RECOGNITION RESOLUTIONS

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

Res. No. 1096-05—Lucy Napper.

Res. No. 1097-05—Board of Directors & Support Group of the Cuyahoga County Soldiers' & Sailors' Monument.

APPRECIATION RESOLUTIONS

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

Res. No. 1098-05—Reverend Larry Perkins.

Res. No. 1099-05—Reverend David L. Hunter.

Res. No. 1100-05—Knut Brunjes.

Res. No. 1101-05—Kathleen Cerve-ny.

Res. No. 1102-05—Claudia Coulton.

Res. No. 1103-05—Marius Cosmeanu.

Res. No. 1104-05—Fred Gray.

Res. No. 1105-05—Holly Harlan.

Res. No. 1106-05—Claire Healy.

Res. No. 1107-05—Mara Kimmel.

Res. No. 1108-05—Thomas Kleine-Brockhoff.

Res. No. 1109-05—Bowman Miller.

Res. No. 1110-05—Nina Tellegen.

Res. No. 1111-05—Gilles Vesco.

Res. No. 1112-05—Brian E. Hall.

Res. No. 1113-05—Terry Stewart.

Res. No. 1114-05—Tom Shorgl.

Res. No. 1115-05—Petr Larva.

Res. No. 1116-05—Phil Henderson.

Res. No. 1117-05—Andrew J. Futey.

Res. No. 1118-05—Neil Peretz.

Res. No. 1119-05—Stephanie Tubbs-Jones.

Res. No. 1120-05—Paulo Casaca.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1005-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various data entry services to convert wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes, for the Division of Taxation, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of various data entry services to convert wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes per CCA specifications, including furnishing media, trans-

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 127031)

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

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

Ord. No. 1006-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Mayor or the Director of Finance, or their designee, to apply for and accept a grant from the SBC Fund of The Cleveland Foundation for the Cleveland Digital Community Initiative Program.

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

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

Section 1. That the Mayor or the Director of Finance, or their designee, is authorized to apply for and accept a grant in the amount of \$25,000, from the SBC Fund of The Cleveland Foundation to conduct the Cleveland Digital Community Initiative Program; that the Director of Finance or his designee 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 application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 1006-05-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

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

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

Ord. No. 1007-05.

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

An emergency ordinance authorizing the Director of Public Utilities to employ consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for installing, implementing, testing, integrating, and migrating an upgrade to the Badger handheld meter reading system or developing an equal alternative, and for training, maintenance and technical support, for a period of one year; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the Badger upgrade for a period of one year, for the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for installing, implementing, testing, integrating, and migrating an upgrade to the Badger handheld meter reading system or developing an equal alternative, and for training, maintenance and technical support, for a period of one year.

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the Badger upgrade, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Util-

ities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 3. That the costs of the contract or contracts shall be paid from Fund No. 52 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159429)

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

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

Ord. No. 1008-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform computer programming and support services, for a two year period.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform computer programming and support services for the water billing system, Ellipse, and other proprietary computer systems, for the Division of Water, including but not limited to, providing overall software development support services, diagnosing and resolving problems between vendor applications and end user problems with application software, developing software backup and recovery plans, providing miscellaneous reports, coding and developing interfaces, software solutions, and data exchange, and migrating, integrating, and upgrading software systems for a period of two years.

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

shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 159440.

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

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

Ord. No. 1009-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Tower City Properties, or its contractor, to repair the water infrastructure at Tower City, including fire hydrant vaults and other water appurtenances.

Whereas, on April 4, 1984, the City of Cleveland and Tower City Properties entered into a Maintenance Agreement for the purpose of assigning responsibility for ongoing maintenance around Tower City; and

Whereas, this agreement stipulates that the City is responsible for maintaining all water supply infrastructure, including fire hydrants; and

Whereas, the water supply infrastructure is deteriorating and needs repair; and

Whereas, among other things, the vaults exclusively serving the City's fire hydrants and located over occupied sections of Tower City Center are deteriorating and need repair; and

Whereas, Tower City Properties, or their contractor, will be performing other maintenance and repairs to Tower City Center infrastructure; and

Whereas, due to the difficulty in coordinating and performing similar work by multiple contractors in the same work space, the City and Tower Center Properties agree that having the same contractor perform all the work is critical; 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 any Codified Ordinance to the contrary, the Director of Public Utilities is authorized to enter into one or more contracts with Tower City Properties, or its contractor, to repair the water infrastructure at Tower City, including fire hydrant vaults, and other water appurtenances.

Section 2. That the cost of the contracts shall be paid from Fund No. 52 SF 001, Request No. 159432.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

Ord. No. 1010-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of low sulfur #2 dyed diesel fuel oil, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of low sulfur #2 dyed diesel fuel oil, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153649)

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

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

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

Ord. No. 1011-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the expansion of the Division of Cleveland Public Power, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, and advertising services necessary to promote the expansion of the Division of Cleveland Public Power, for a period of two years.

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Division of Cleveland Public Power, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the Director of Public Utilities is further authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Division of Cleveland Public Power, to be purchased by the Commissioner of Purchases and Supplies on a

unit basis, for the Department of Public Utilities.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 58 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153654)

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

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

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

Ord. No. 1012-05.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide, install, integrate and test a computer information system to manage, process, and analyze data as necessary for Cleveland Public Power to participate in the Midwest Independent System Operator (MISO) energy market system, including computer hardware and software, and to provide maintenance, training, and support for a period of three years; and authorizing the purchase by one or more contracts of equipment, supplies, or services.

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

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

Section 1. That, for the purposes of supplementing the regularly employed staff of the several departments of the City of Cleveland, the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or firms of consultants to provide, install, integrate and test a computer information system to manage, process, and analyze data as necessary for Cleveland Public Power to participate in the Midwest Independent System Operator (MISO) energy market system, including computer hardware and software, and to provide maintenance, training, and support for a period of three years.

Section 2. The selection of the consultants for the services shall be made by the Board of Control on the

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

Section 3. That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 4. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: computer hardware, software and software upgrades, and any maintenance, training and support not acquired elsewhere in this ordinance, for a period of three years, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 5. That the cost of contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. 153643.

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

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

Ord. No. 1013-05.
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 necessary to test and dispose of PCBs and non-PCB oil filled electrical equipment and contaminate material and retro-fill or filter contaminated transformers, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to test and dispose of PCBs and non-PCB oil filled electrical equipment and contaminate material and retro-fill or filter contaminated transformers in the approximate amount as purchased during the preceding term, to be purchased by the Com-

missioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153648)

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

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

Ord. No. 1014-05.

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 repair and maintain the high voltage static pipe-type transmission cable system and for emergency oil spill cleanup, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials to repair and maintain the high voltage static pipe-type transmission cable system and for emergency oil spill cleanup, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153646)

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

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

Ord. No. 1015-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts labor and materials to wash and wax motor vehicles, for the Divisions of Cleveland Public Power and Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to wash and wax motor vehicles, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Cleveland Public Power and Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153650)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

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

Ord. No. 1016-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the 100th anniversary of the Division of Cleveland Public Power, for a period of one year.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, and advertising services necessary to promote the 100th anniversary of the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year.

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the 100th anniversary of the Division of Cleveland Public Power, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the Director of Public Utilities is further authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976,

for each or all of the following items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the 100th anniversary for the Division of Cleveland Public Power, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 58 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153655)

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

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

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

Ord. No. 1017-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Division of Water and educate the public, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, and advertising services necessary to promote the Division of Water, for a period of two years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of

Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Division of Water, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the Director of Public Utilities is further authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Division of Water, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 52 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159449)

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

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

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

Ord. No. 1018-05.

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 needed to repair or replace water mains, fire hydrants, and service connections, including concrete repair, for the Division of Water, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials needed to repair or replace water mains, fire hydrants, and service connections, including concrete repair, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159443)

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

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

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

Ord. No. 1019-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more contracts of hardware, software, and software upgrades necessary to upgrade the storage area network, including design, installation, and related services, maintenance and training, for the Division of Water, Department of Public Utilities, for a period of three years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: hardware, software, and software upgrades necessary to upgrade the storage area network, including design, installation, and related services, maintenance and training, for a period of three years, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

Section 2. That the Director of Public Utilities is authorized to sign any software license agreements necessary to effectuate the purposes of this ordinance.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 159434.

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

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

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 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.

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

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

Section 1. That the Director of Public Utilities is authorized to acquire by contract with one or more computer software vendors or one or more firms of computer software vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland one or more 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, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities.

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

Section 2. That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 3. That the costs for the services shall be paid from Fund No. 52 SF 001, Request No. 159430.

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

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

Ord. No. 1021-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Hach Company for the purchase of testing, calibrating, refurbishing, and maintaining existing laboratory and on-line process turbidimeters, chlorine and fluoride sensors, switches, controls, and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed three years.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Hach Company. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Hach Company on the basis of its proposal dated March 8, 2005, for a period of three years, for the testing, calibrating, refurbishing, and maintaining existing laboratory and on-line process turbidimeters, chlorine and fluoride sensors, switches, controls, and appurtenances, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Water, Department of Public Utilities.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 159445.

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

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

Ord. No. 1022-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental of various pieces of heavy equipment, for the Divisions of Cleveland Public Power and Water, Department of Public Utilities, for a period of two years.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153651)

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

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

Ord. No. 1023-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to provide various customer services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with Cleveland Housing Network to provide various customer services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

Section 2. That the cost of the agreement or agreements authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. 159464.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

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

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

Ord. No. 1024-05.
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 necessary to repair treelawns and perform other landscaping services at various Water and Water Pollution Control facilities, for the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair treelawns and perform other landscaping services at Baldwin Treatment Plant, Fairmount Pumping Station, Kirtland Pumping Station, Garrett Morgan Treatment Plant, Crown Water Treatment Plant, Nottingham Water Treatment Plant, Parma Heights Waterworks Facility, Cardinal Midszenty Plaza, Harvard Distribution and Maintenance Facility, the Water Pollution

Control Headquarters located on Kirby Avenue, and the Front Street station, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159438)

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

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

Ord. No. 1025-05.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide engineering and other services needed for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide engineering services, including but not limited to environmental and safety services, forensic investigations, structural and geotechnical services, industrial hygiene services, materials testing and analyses, water treatment process analyses, laboratory testing services, hazardous substance identification and analyses; and other related professional consulting services needed for the various divisions of the Department of Public Utilities, on an as-needed basis, for a period not to exceed two years.

The selection of the consultants or consultants for the services shall be made by the Board of Control on the

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. 159441.

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

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

Ord. No. 1026-05.
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 necessary to inspect, test, maintain, and repair elevators, for the various divisions of the Department of Public Utilities, for a period of two years.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159435)

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

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

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

Ord. No. 1027-05.

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 needed to refurbish and maintain various types of material handling equipment, for the various divisions of the Department of Public Utilities, for a period of two years.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159447)

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 Public Utilities may sign

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

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

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

Ord. No. 1028-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of safety equipment for compliance with OSHA regulations and general safety standards, for the various divisions of the Department of Public Utilities, for a period of two years.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 159442)

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

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

Ord. No. 1029-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for purchase of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154179)

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

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

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

Ord. No. 1030-05.
By Council Members Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing and repairing sidewalks, curbs, driveway aprons, utility box and casting adjustments, tree lawns, and appurtenances necessary to complete work on sidewalk assessment streets; and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of replacing and repairing sidewalks, curbs, driveway aprons, utility box and casting adjustments, tree lawns, and appurtenances necessary to complete work on sidewalk assessment streets, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Engineering and Construction, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 034, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, and from the fund or funds which are credited the sale of 2005 general obligation bonds which include this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 157376)

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

Ord. No. 1031-05.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance to amend Section 10 of Ordinance No. 366-99, passed May 24, 1999, relating to giving consent to the City of Cleveland for the rehabilitation of the Woodland Avenue Bridge over the G.C.R.T.A. and the Norfolk and Southern Railway Co. to the State of Ohio, and authorizing contracts to design and construct the improvement.

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

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

Section 1. That Section 10 of Ordinance No. 366-99, passed May 24, 1999, is amended to read as follows:

Section 10. That the cost of the contracts and the payment to the State authorized above shall be paid from Fund Nos. 20 SF 322, 20 SF 344, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, from the fund or funds to which are credited the proceeds of the sale of the 2005 general obligation bonds which are authorized for this purpose, and other funds authorized and appropriated for this purpose, Request No. 24530.

Section 2. That existing Section 10 of Ordinance No. 366-99, passed May 24, 1999, is repealed.

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

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

Ord. No. 1032-05.
By Council Members Cintron, Zone, Sweeney and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1245-92, passed June 15, 1992, as amended by Ordinance No. 2338-03, passed December 15, 2003, relating to causing payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing the West 44th Street Bridge.

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

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

Section 1. That Section 1 of Ordinance No. 1245-92, passed June 15, 1992, as amended by Ordinance No. 2338-03, passed December 15, 2003, is amended to read as follows:

Section 1. That this Council authorizes payment to the State of Ohio of the City's share of the cost of the rehabilitation and reconstruction of the West 44th Street Bridge over Greater Cleveland Regional Transit Authority and Norfolk and Western Railway Company from Fund Nos. 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 304, **52 SF 001, 52 SF 223, 52 SF 225, 52 SF 229, 52 SF 231, 58 SF 001, and 58 SF 223**, Request Nos. 14320, 138360 and 157380.

Section 2. That existing Section 1 of Ordinance No. 1245-02, passed June 15, 1992, as amended by Ordinance No. 2338-03, passed December 15, 2003, is repealed.

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

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

Ord. No. 1033-05.
By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; authorizing the Director to enter into one or more requirement contracts for the purchase of services, equipment and supplies; and authorizing the director to enter into one or more contracts with various agencies necessary to operate the Division of Air Quality.

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

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

Section 1. That the Director of Public Health is authorized to accept a grant in the approximate amount of \$2,963,822 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality in accordance with the purposes set forth in the summary; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 1033-05-A made a part as if fully rewritten herein, 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, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$393,000, from the Division of Air Quality's General Fund budget, in order the receive the grant from the Ohio Environmental Protection Agency, as a pass through from the U.S. Environmental Protection Agency.

Section 3. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period of the necessary items of services, equipment, and supplies needed as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Air Quality, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 5. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the grant as described in the file, with one or more various entities.

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

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

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

Ord. No. 1034-05.

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

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

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$353,844 and any other funds that may become available during the grant term, from the Alcohol & Drug Addiction Services Board of Cuyahoga County to conduct the Mental Health & Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1034-05-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the program as described in the file.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 8. That the Director of Public Health is authorized to enter into an agreement with the Alcohol & Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

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

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

Ord. No. 1035-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Case Western Reserve University for the Case Western Reserve Partnership Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$30,000, and any other funds that may become available during the grant term from Case Western Reserve University to conduct the Case Western Reserve Partnership Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter and summary for the grant contained in the file described below.

Section 2. That the award letter and summary for the grant, File No. 1035-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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 Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 1036-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Cuyahoga County Public Health Collaborative Program; to enter into one or more

requirement contracts necessary to implement the program; and authorizing the director to enter into one or more contracts with various agencies necessary to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$285,375, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the Cuyahoga County Public Health Collaborative Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1036-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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

Section 6. That the Director of Public Health is authorized to enter into one or more contracts with various entities for the implementation of the program as described in the file.

Section 7. That the cost of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 8. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of

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

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

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

Ord. No. 1037-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cities Readiness Initiative Program; authorizing the purchase by one or more requirement contracts of supplies, equipment, and services needed to implement the program; and authorizing the director to enter into one or more contracts with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$745,000, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the Cities Readiness Initiative ("CRI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1037-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

the period of the grant term of the necessary items of supplies, equipment, and services necessary to implement the program as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 6. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program with the Cuyahoga County Board of Health and the Brasco Group.

Section 7. That the Director of Public Health is authorized to enter into one or more contracts or memoranda of understanding with various entities for the implementation of the program as described in the file.

Section 8. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

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

Ord. No. 1038-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cleveland Infant Mortality Reduction Initiative Project; and to enter into one or more contracts with various agencies to implement the 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 Public Health is authorized to apply for and accept a grant in the approximate amount of \$200,000 annually for a period of four years, and any other funds as they may become available during the grant term, from the Ohio Department of Health, to conduct the

Cleveland Infant Mortality Reduction Initiative Project; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant.

Section 2. That the administrative summary for the grant, File No. 1038-05-A, made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the project as described in the file.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 5. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 6. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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

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

Ord. No. 1039-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Ohio Department of Health for the Women's Health Services Program; authorizing the director to charge and accept fees for this program; and to enter into one or more contracts to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$150,000 and any other funds that may become available during the grant term, from Ohio Department of Health to conduct the Women's Health Services Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1039-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various entities to implement the file as described in the file.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to purchase materials and supplies necessary to implement the program described in the file, and the funds are appropriated for that purpose.

Section 7. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term of the necessary items of equipment and supplies necessary to implement the program as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

Section 8. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, the revolving fund identified in Section 6 of this ordinance, and shall also be charged against the proper appropriation accounts. The Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

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

Ord. No. 1040-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Substance Abuse and Mental Health Services Administration for the Substance Abuse, HIV, and Hepatitis Prevention/Health Collaborative Program; to enter into one or more agreements with various entities; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$350,000, and any other funds as they may become available during the grant term, from the Substance Abuse & Mental Health Services Administration, to conduct the Substance Abuse, HIV, and Hepatitis Prevention/Health Collaborative Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 1040-05-A made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more agreements with various entities to implement the program as described in the file.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, and supplies needed to implement the program. Requirements are to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the Director of Public Health, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 8. That the costs of the contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

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

Ord. No. 1041-05.

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

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

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$175,000 and any other funds that may become available during the grant term, from the United States Conference of Mayors to conduct the Cities for United Science Progress Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1041-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the

grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the program as described in the file.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of equipment and supplies necessary to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

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

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

Ord. No. 1042-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development for the Greater Cleveland Lead Reduction II Program; to enter into one or more agreements with various entities and individuals to implement the program; and authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies needed to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$4,000,000, and any other funds as they may become

available during the grant term, from the U.S. Department of Housing and Urban Development, to conduct the Greater Cleveland Lead Reduction II Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 1042-05-A, made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more agreements with various entities and individuals to implement the program as described in the file.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, and supplies needed to implement the program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

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

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 part 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.

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

**Ord. No. 1044-05.
By Council Members Johnson and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant of services from the U.S. Army Corps of Engineers for environmental studies, including a Phase II environmental analysis, on certain property in connection with Dike 14.

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 of services in the amount of \$50,000, from the U.S. Army Corps of Engineers for environmental studies, including a Phase II environmental analysis, on certain property in connection with Dike 14 and that the Director is authorized to file all papers and execute all documents necessary to receive the services under the grant.

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

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

Ord. No. 1045-05.

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

An emergency ordinance to appropriate property for the public purpose of constructing a public road in connection with the Battery Park development project at West 74th Street and Goodwalt Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 233-05, adopted April 11, 2005, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of constructing a public road in connection with the Battery Park development project at 1274 West 74th Street and 7400 Goodwalt Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of constructing a public road in connection with the Battery Park development project at 1274 West 74th Street and 7400 Goodwalt Avenue, the following described fee simple interests are appropriated:

Permanent Parcel No. 002-04-014
and 002-04-030

1274 West 74th Street and
7400 Goodwalt Avenue,
Cleveland, Ohio

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 35, 36, 37 and 38 in the George Smith's Allotment, being a part of Original Brooklyn Township Lot No. 30, as shown by the recorded plat in Volume 17, Page 12 of Cuyahoga County Records, and further bounded and described as follows:

Beginning at a point in the Southeastly corner of Sublot No. 38 in the Northerly side line of Goodwalt Avenue, N.W., 40 feet wide, as appears by the aforesaid Allotment Plat;

Thence Northerly along the Easterly lines of Sublots Nos. 35, 36, 37, and 38 in said Allotment a distance of 157.97 feet to a point in the North-easterly corner of Sublot No 35;

Thence Westerly along the North-easterly line of Sublot No. 35, a distance of 44.73 feet to a point;

Thence Southerly a distance of 158.64 feet to a point in the Norther-

ly side line of Goodwalt Avenue, N.W.;

Thence Easterly along the Northernly side line of Goodwalt Avenue, N.W., a distance of 37.71 feet to the place of beginning, 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 part of Sublots Nos. 35, 36, 37 and 38 in the George Smith's Allotment, being a part of Original Brooklyn Township Lot No. 30, as shown by the recorded plat in Volume 17, Page 12 of Cuyahoga County Map Records, and further bounded and described as follows:

Beginning at the intersection point of the Northernly side line of Goodwalt Avenue, N.W. (40 feet wide) and the Easterly side line of West 74th Street (40 feet wide);

Thence Northernly along the Easterly side line of West 74th Street, 162.46 feet to a point in the Northwesterly corner of Sublot No. 35 in the aforesaid Allotment;

Thence Easterly along the Northernly line of said Sublot No. 35 a distance of 74.21 feet to a point;

Thence Southerly a distance of 158.64 feet to a point in the Northernly line of Goodwalt Avenue, N.W.;

Thence Westerly along the Northernly line of Goodwalt Avenue, N.W. a distance of 79.88 feet to the place of beginning be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

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

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

Ord. No. 1046-05.

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

An emergency ordinance to amend Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 662-84, passed March 19, 1984, relating to City employees entitled to benefits of federally administered loan and grant programs for home loans and grants.

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 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 662-84, passed March 19, 1984, is amended to read as follows:

Section 171.61 City Employees Entitled to Benefits of Federally Administered Loan and Grant Programs for Home Loans and Grants

All city employees, except the Mayor and the Directors of all city departments, and members of Council, shall be entitled to apply for and receive loans and/or grants of federally city-administered funds under existing or future home-owner rehabilitation, repair or home purchasing or building programs, subject to the same laws, ordinances, rules and regulations that apply to non-city employees under any such program.

Section 2. That existing Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 662-84, passed March 19, 1984, is repealed.

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

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

Ord. No. 1048-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into all contracts and related documents with various entities for implementation of the Empowerment Zone Program, as amended; and to expend Economic Development Initiative Grant funds for the administration of the Empowerment Zone Program, as amended.

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

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

Section 1. That the Director of Economic Development is authorized to enter into and execute all contracts and all necessary documents with Fairfax Renaissance Development Corporation, Glenville Development Corporation, Midtown Cleveland, Consortium for Economic and Community Development, Burten, Bell, Carr Development, Inc., Northeastern Neighborhood Development Corporation, and Famicos Foundation, or their designees, for the purpose of implementing the Empowerment Zone Program, as amended.

Section 2. That the Director of Economic Development is authorized to expend Economic Development Initiative Grant funds for administration of the Program.

Section 3. That the aggregate cost of the contracts and expenditures authorized by this ordinance shall not exceed \$2,000,000, and shall be paid from Fund No. 18 SF 006, Request No. 123597.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training, Finance.

Ord. No. 1049-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Mount Pleasant NOW Development Corporation to provide economic development assistance to partially finance the acquisition of real estate located along Kinsman Road for future development, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Mount Pleasant NOW Development Corporation to provide economic development assistance to partially finance the acquisition of approximately 2.13 acres of real estate located along Kinsman Road and known as permanent parcel numbers 128-23-004, 128-23-005, 128-23-017, 128-23-018, and 128-234-033, for future development, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1049-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed One Hundred Forty-Two Thousand Dollars (\$142,000), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103659.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 008.

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

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

Ord. No. 1050-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with McTech Holdings, LLC, to provide for a ten-year, sixty percent tax abatement of real estate taxes as an incentive to redevelop the property located at 8100 Grand Avenue in the Cleveland Area Enterprise Zone.

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

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

Whereas, McTech Holdings, LLC (the "Enterprise"), has proposed to redevelop the property located at 8100 Grand Avenue in the Cleveland Area Enterprise Zone; and

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise

Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for real estate, subject to annual review by the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1050-05-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum fees allowable under Chapter 5709 of the Revised Code if the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

Section 5. 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 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1051-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into agreements with McTech Holdings, LLC, for a Core City loan, an Empowerment Zone Section 108 loan, and an Economic Development Initiative grant to provide development assistance to partially finance the acquisition of and improvements to the property located at 8100 Grand Avenue, and all other associated 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, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, this project has been approved; and

Whereas, Council desires to authorize the development assistance to this project which has been approved by the Department of Eco-

nomics Development and 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 the Director of Economic Development is authorized to enter into a Core City Loan agreement with McTech Holdings, LLC ("McTech"), to provide development assistance to partially finance the acquisition of and improvements to the property located at 8100 Grand Avenue, and all other associated costs necessary to redevelop the property (the "Improvement").

Section 2. That the Director of Economic Development is authorized to enter into an Empowerment Zone Section 108 Loan Agreement with McTech to provide economic development assistance to partially finance the Improvement.

Section 3. That the Director of Economic Development is authorized to enter into a Grant Agreement with McTech to receive Economic Development Initiative Grant funds to partially finance the above described Improvement which are appropriated for this purpose.

Section 4. That the terms of the loans and the grant shall be according to the terms set forth in the Summary contained in File No. 1051-05-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 5. That the Core City loan authorized in Section 1 of this ordinance shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000), paid from Fund No. 10 SF 541, the Section 108 loan authorized in Section 2 of this ordinance shall not exceed One Hundred Twenty-Four Thousand Dollars (\$124,000), paid from Fund No. 18 SF 001, and the Economic Development Initiative grant authorized in Section 3 of this ordinance shall not exceed Thirty-one Thousand Dollars (\$31,000), paid from Fund No. 18 SF 003, all identified in Request No. 123596.

Section 6. 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 loans. All loan agreements, security instruments, and other documents shall be prepared and approved by the Director of Law.

Section 7. That the Director of Economic Development is authorized to accept monies in repayment of the Core City and Section 108 loans and to deposit the monies in Fund Nos. 10 SF 542 and 18 SF 002, respectively.

Section 8. 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 if the fees are appropriated to cover costs incurred in the preparation of the loan applications, closing and servicing of the loans. The fees shall be deposited to and expended from Fund No. 18 SF 004, Loan Fees Fund.

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

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

Ord. No. 1052-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with RSI Company to provide for a ten-year, sixty percent tax abatement on personal property improvements as an incentive to improve the facility located at 12911 Taft Road in the Cleveland Area Enterprise Zone.

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

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

Whereas, RSI Company (the "Enterprise") has proposed to improve the facility located at 12911 Taft Road in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on personal property improvements in the form of new machinery, equipment, and inventory were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for per-

sonal property improvements in the form of new machinery, equipment, and inventory, subject to annual review by the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1052-05-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

Ord. No. 1053-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with PNP Realty, LLC to provide economic development assistance to partially finance the purchase of a building located at 3319 Regent Road, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with PNP Realty, LLC to provide economic development assistance to partially finance the purchase of a building located at 3319 Regent Road, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1053-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Eighty-Four thousand Dollars (\$84,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103654.

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

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

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

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

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

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

Ord. No. 1054-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with United Parcel Service, Inc., to provide for a ten-year, sixty percent tax abatement on personal property improvements as an incentive to improve the facility located at 4300 East 68th Street in the Cleveland Area Enterprise Zone.

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

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

Whereas, United Parcel Service, Inc. (the "Enterprise"), has proposed to improve the facility located at 4300 East 68th Street in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on personal property improvements in the form of new machinery, equipment, and inventory were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for personal property improvements in the form of new machinery, equipment and inventory, subject to annual review by the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1054-05-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

Ord. No. 1055-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Slavic Village Development to provide economic development assistance to partially finance the acquisition and demolition of a mixed-use building

located at 7655 Broadway Avenue, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Slavic Village Development to provide economic development assistance to partially finance the acquisition and demolition of a mixed-use building located at 7655 Broadway Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1055-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Ninety-Five Thousand Dollars (\$95,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103655.

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

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

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

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

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

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

Ord. No. 1056-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with

Tremont West Community Development Corporation to provide economic development assistance to partially finance the construction and renovation of real property located at 2406 Professor Street, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Tremont West Community Development Corporation to provide economic development assistance to partially finance the construction and renovation of real property located at 2406 Professor Street, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1056-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Fifty-Six Thousand Dollars (\$56,000), and shall be paid from Fund No. 17 SF 652, which funds are appropriated for this purpose, Request No. 103658.

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

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

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

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

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

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

Ord. No. 1057-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with S. Rose Inc. dba S. Rose Company to provide economic development assistance to partially finance the acquisition of personal property, the renovation of real property, soft costs, other exterior and interior costs associated with the renovation of the property located at 1213 Prospect Avenue, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with S. Rose Inc. dba S. Rose Company to provide economic development assistance to partially finance the acquisition of personal property, the renovation of real property, soft costs, other exterior and interior costs associated with the renovation of the property located at 1213 Prospect Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1057-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103653.

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

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

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

Ord. No. 1058-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The Great Lakes Towing Company to provide for a five-year, sixty-five percent tax abatement for certain tangible real property improvements as an incentive to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone.

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

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

Whereas, The Great Lakes Towing Company (the "Enterprise") has proposed to construct a new office headquarters and a steel barge fabrication and repair building located at 4500 Division Avenue in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on real property improvements, in the form of new construction, renovation, and site improvements, were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise

Zone Agreement with the Enterprise to provide for a five-year, sixty-five percent (65%) tax abatement for real property improvements in the form of new construction, renovation, and site improvements at 4500 Division Avenue; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 1058-05-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

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

Ord. No. 1059-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with The Great Lakes Towing Company to provide economic development assistance to partially finance the demolition, construction, renovation, and for site improvements to the facility located at 4500 Division Avenue, for architectural and engineering fees, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with The Great Lakes Towing Company to provide economic development assistance to partially finance the demolition, construction, renovation, and for site improvements to the facility located at 4500 Division Avenue, for architectural and engineering fees, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained

in File No. 1059-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Seventy-Five Thousand Dollars (\$375,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103660.

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

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

Ord. No. 1060-05.

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

An emergency ordinance authorizing the Director of City Planning to accept a cash gift from First Interstate, Inc. to be used for contracting with Cleveland Neighborhood Development Coalition for professional services necessary to prepare a neighborhood retail competitiveness study; and authorizing the director to enter into the contract or contracts.

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

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

Section 1. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of City Planning is authorized to accept a cash gift in the amount of \$55,000, from First Interstate, Inc. That the Director of City Planning is autho-

riized to file all papers and execute all documents necessary to receive the funds under this gift; and that the funds are appropriated for the purpose of entering into one or more contracts with Cleveland Neighborhood Development Coalition for professional services necessary to prepare a neighborhood retail competitiveness study, for the Department of City Planning.

Section 2. That the Director of City Planning is authorized to enter into one or more contracts with Cleveland Neighborhood Development Coalition for professional services necessary to prepare a neighborhood retail competitiveness study, for the Department of City Planning.

Section 3. That the cost of the contract or contracts shall be paid from the fund or funds which are deposited the cash donation accepted under this ordinance and which are appropriated for this purpose.

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

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

Ord. No. 1061-05.

By Council Member Cimperman. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Marquardt Avenue to David Purpera.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-19-040, as more fully described below, to David Purpera.

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

P. P. No. 004-19-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 717, 718 and 719 in S.S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87 as shown by the record-

ed plat in Volume 2 of Maps, Page 32 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northwesterly line of Marquardt Avenue, S.W., 158 feet Southwesterly from its intersection with the Southwesterly line of West 5th Street (formerly Herschel Street); thence Southwesterly along the Northwesterly line of Marquardt Avenue, S.W., 32 feet to the Northeasterly line of West 6th Street (formerly Emmet Street), thence Northwesterly along the Northwesterly line of West 6th Street, 99 feet to the Northwesterly line of said Sublot No. 717; thence Easterly along the Northwesterly line of Sublot No. 717, 32 feet; thence Southwesterly and parallel with the Northeasterly line of West 6th Street, 99 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. 1062-05.

By Council Member Cimperman. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 47th Street to Ohio City Near West Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-36-049 and 002-36-050 as more fully described below, to Ohio City Near West Development or designee.

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

P. P. No. 002-36-049
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly half of Sublot No. 250 in Benedict and Roots Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records and being 30 feet front on the Easterly side of West 47th Street, and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 002-36-050
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of Sublot No. 250 in Benedict and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records and being 30 feet front on the Easterly side of West 47th Street (formerly Forest Street), and extending back of equal width 132 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

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

Ord. No. 1063-05.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 38th Street to Burten, Bell, Carr Development, Inc. or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 103-22-120, as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

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

P. P. No. 103-22-120
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 40 feet of Sublot No. 9, in the William William's Subdivision of a part of Original One Hundred Acre Lot Nos. 67, 68, 69 and 70, and being 40 feet on the Westerly side of William Street, now 38th Street S.E., and extending back of equal width 150 1/2 feet according to the plat of said Subdivision recorded in Volume 3 of Maps, Page 6 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1064-05.
By Council Member Zone.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 61st Street to Stockyard Redevelopment Organization or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-06-092 as more fully described below, to

Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-06-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 229 in J.M. Sargent's Subdivision of part of Original Brooklyn Township lot number 34 as shown by the recorded plat in Volume 7, Page 30 of Cuyahoga County Records and being 35 feet front on the Westerly side of West 61st and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-07-026 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-07-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in J.H. Sargent's Subdivision of a part of Original Brooklyn Township Lot No. 34 now in said City. Said Sublot No. 60 has a frontage of 35 feet on Alum Street (now 61st S.W.) and extending back of equal width 125 feet deep, as plat of said Subdivision recorded in Volume 4 of Maps, Page 36 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-07-040 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-07-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 1 in Laura L. Otis Subdivision of part of Original Brooklyn Township Lot No. 34, as shown by the recorded plat in Volume 15 of Maps, Page 22 of Cuyahoga County Records, and being 35 feet front on the Easterly side of West 61st Street and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways and together with and subject to all of the easements, conditions, right-of-way, encroachments, covenants and restrictions, created or reserved for the benefit of, or imposed upon, the above described premises, as recited in the deed from Alex Fodor to Augusta M. Zorn, dated June 26, 1950, and filed for record July 14, 1950, as Cuyahoga County Records' File No.

366077, conveyed premises contiguous to and Southerly to the premises above described. Recorded in Deed Volume 7042 Page 541 of Cuyahoga County Records.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-07-041 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-07-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in Laura L. Otis' Subdivision of part of Original Brooklyn Township Lot No. 34, as shown by the recorded plat in Volume 15 of Maps, Page 22 of Cuyahoga County Records, and being 35 feet front on the Easterly side of West 61st Street, (formerly Alum Street) and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-08-087 as more fully described below, to Stockyard Redevelopment Organization or designee.

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

P. P. No. 016-08-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 71 in John H. Sargent's Allotment of part of Original Brooklyn Township Lot No. 34, as shown by the recorded plat in Volume 4 Page 36 of Cuyahoga County Records, and being 35 feet front on the Westerly line of West 61st Street and extending back of equal width 125 feet deep, to an alley in the rear, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 11. 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 12. 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 13. 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. 1065-05.

By Council Member Polensek.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St Clair Avenue to Cleveland Municipal School District.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 116-29-004, as more fully described below, to Cleveland Municipal School District.

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

P. P. 116-29-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 121 in S.H. Kleinman's St. Clair Heights Allotment of part of Original Euclid Township Lot No. 15, as shown by the recorded plat in Volume 46 of Maps, Page 4 of Cuyahoga County Records, and being 40 feet front on the Southerly side of St. Clair Avenue, N.E., and extending back 134 89/100 feet on the Westerly line, which is also the Easterly line of Larchmont Road, N.E., 153 46/100 feet on the Easterly line, and having a rear line of 45 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1074-05.

By Council Member Reed.

An emergency ordinance to amend Section 185.41 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 794-03, passed June 10, 2003, relating to terms of payment.

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

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

Section 1. That Section 185.41 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 794-03, passed June 10, 2003, is hereby amended to read as follows:

Section 185.41 Terms of Payment

(a) The contractor shall be required to make current requests for payment in writing, not more than one each month, and submit them to the director who executed the contract on behalf of the City ("director") for approval. The request shall be dated the last working day of the month and be submitted to the director by the fifth day of the following month. At the same time, a copy of the request shall be mailed by the contractor to the resident engineer or architect. The request for payment shall cover the materials in place complete, and the amount of work performed in accordance with the contract during the preceding payment period and the value thereof. At the discretion of the director, allowances may be made for non-perishable materials which are to be incorporated into the work, when delivered and properly stored upon the site. Upon approval of the

contractor's request for payment, the director will make estimates in writing, one each payment period of the materials in place complete and the amount of work performed, all in accordance with the contract. Upon approval by the director, the contractor shall be paid the amount of each such estimate less a deduction of two percent (2%) and less all prior payments.

(b) Upon written certification by the director of final acceptance of each separate phase of the contract work or of all contract work, as determined by the director, the City shall pay the contractor the whole amount of the money then due the contractor under that phase or all phases of the contract, as applicable, except such sums which have already been paid and except such sum as may have been expended by the City or may be due the City or properly deductible, under the provisions of the contract, and less a deduction of two percent (2%).

(c) **The two percent (2%) deduction shall be retained for the balance of the guarantee period for work under each phase or all contract work, as applicable.**

(d) The payment of the moneys as provided in this section shall constitute a full and complete discharge of all the duties and obligations of the City under the contract.

Section 2. That existing Section 185.41, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 794-03, passed June 10, 2003, is hereby repealed.

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

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

Ord. No. 1079-05.

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

An emergency ordinance determining the method of making the public improvement of constructing Phase II improvements for the Villas of Woodhaven Development Project; and authorizing the Director of Community Development, Public Service, or Public Utilities, as appropriate, to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing Phase II improvements for the Villas of Woodhaven Development Project, including but not limited to grading, installing water and sewer lines, sidewalks, land-

scaping, curbs, street paving, lighting, redirecting and moving a culvert to the right-of-way, and making related street improvements, for the Departments of Community Development, Public Service, or Public Utilities, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Community Development, Public Service, or Public Utilities, as appropriate, is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 505, 20 SF 363, 20 SF 372, 20 SF 379, and 20 SF 393, Request No. 149511.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1047-05.

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

An emergency resolution declaring the necessity and intention to appropriate property for the acquisition and redevelopment and/or rehabilitation of the blighted premises located at 17300 Lakeshore Boulevard, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the elimination of spot blight; 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 for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 17300 Lakeshore Boulevard, through the acquisition and redevelopment and/or rehabilitation, it is neces-

sary to appropriate in fee simple the blighted premises, and the Council declares its intent to appropriate the fee simple interest in and to the following described blighted premises:

P.P. No. 113-25-008, 113-25-009 & 113-25-010

17300 Lakeshore Boulevard
Situating in City of Cleveland County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 30 and 31 and a part of Sublots Nos. 29 and 32 in Milton E. Bertram's Boulevard Allotment of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 80 of Maps, Page 1 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Lake Shore Boulevard at the Northwesterly corner of Sub-lot No. 32; thence Easterly along the Southerly line of Lake Shore Boulevard, 220.51 feet; thence Southerly and parallel with the Westerly line of Sub-lot No. 29, 96 feet; thence Westerly and parallel with the Southerly line of Lake Shore Boulevard, 1.50 feet; thence Southerly and parallel with the Westerly line of Sub-lot No. 29, 18 feet; thence Easterly and parallel with the Southerly line of Lake Shore Boulevard, 1.50 feet; thence Southerly and parallel with the Westerly line of Sub-lot No. 29, 46 feet; thence Westerly and parallel with the Southerly line of Sub-lot No. 29, 25.51 feet to the Easterly line of Sub-lot No. 30; thence Southerly along the Easterly line of Sub-lot No. 30, 40 feet to the Southeasteasterly corner thereof; thence Westerly along the Southerly line of Sublots Nos. 30 and 31, 130 feet to the Southeasteasterly corner of Sub-lot No. 32; thence Northerly along the Easterly line of Sub-lot No. 32, 40 feet; thence Westerly and parallel with the Southerly line of Sub-lot 32, 65 feet to the Westerly line of Sub-lot No. 32; thence Northerly along the Westerly line of Sub-lot No. 32, 160 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized and directed to cause written notice of the adoption of this resolution to be given to the owners and persons in possession or having an interest of record in the above-described blighted premises. The notice shall be served according to law by a person designated for that purpose by the Director of Finance and return shall be made in the manner provided by law.

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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1070-05.

By Council Member Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Shores Development Corporation to stretch four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 11, 2005 to Aug 9, 2005, inclusive, publicizing the East 185th Street Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Northeast Shores Development Corporation to install, maintain and remove four (4) banners at East 185th and Villaview, Lakeshore Blvd. and East 185th, LaSalle at East 185th and Pawnee at East 185th, for the period from July 11, 2005 to Aug 9, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1071-05.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 9, 2005 to June 28, 2005, inclusive, publicizing the Church Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit and 7775 Detroit Avenue for the period from June 9, 2005 to June 28, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1075-05.

By Council Member Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Mt. Pleasant Community Council for an Emergency Tree Trimming Program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Mt. Pleasant Community Council for an Emergency Tree Trimming Program for the public purpose of providing tree trimming and limb cutting services to senior citizens and low income residents residing in the City of Cleveland through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$9,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1078-05.

By Council Member Reed.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the 2nd Annual Celebration in the Park through the use of Urban Development Action Grant 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 Economic Development is authorized to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the 2nd Annual Celebration in the Park for the public purpose of promoting community and economic revitalization efforts that are taking place in the City of Cleveland through the use of UDAG Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 17 SF 17652.

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1072-05.

By Council Member Kelley.

An emergency resolution objecting to a New C1 Liquor Permit at 7210 Memphis Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New

C1 Liquor Permit at Mohsha, Inc., 7210 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 6085731; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Mohsha, Inc., 7210 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 6085731; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1073-05.

By Council Member Pierce Scott. An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7516 St. Clair Avenue, and repealing Resolution No. 318-05, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 7516 St. Clair Avenue by Resolution No. 318-05 adopted by the Council on February 28, 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 Abu Khalid, Inc., DBA Food Town Supermarket, 7516 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0037300-0005, be and the same is hereby withdrawn and Resolution No. 318-05, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 1076-05.

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

An emergency resolution urging the Ohio Legislature to restore full funding for the Office of Ohio Consumers' Counsel and to retain the toll-free consumer call center operated by the agency.

Whereas, the Office of Ohio Consumers' Counsel ("OCC") was created under Chapter 4911 of the Ohio Revised Code and has the statutory mandate to serve as advocate for the state's residential utility customers; and

Whereas, OCC maintains a toll-free consumer call center where utility consumers can obtain assistance in disputing a utility bill, addressing a problem with the quality of service, obtaining financial assistance, avoiding disconnection of utility services, and purchasing utility services under the state's customer choice programs; and

Whereas, House Bill 66, as passed by the Ohio House of Representatives, reduces funding for OCC's operations by \$1.5 million per year,

prohibits OCC from operating a customer call center, and requires customers to take their complaints about utilities to the Public Utilities Commission of Ohio; and

Whereas, cutting OCC's funding will not affect the state's budget because OCC is funded by assessments on the utility companies and not by the general revenue fund; and

Whereas, this Council strongly believes that reducing funding for the office of OCC and eliminating OCC's customer call center will hurt the interests of this state's residential utility customers by denying customers direct access to OCC and by weakening OCC's ability to assist customers, monitor the regulated utilities, and in other respects fulfill its duties as the statutory residential consumer advocate; 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 the Ohio Legislature to restore the proposed funding cuts for the Office of Consumers' Counsel and to permit that agency to maintain its toll-free consumer call center.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft, Ohio Senate President Bill Harris, each member of the Ohio Senate representing Cuyahoga County residents, Attorney General Jim Petro and Janine L. Midgen-Ostrander, Consumers Counsel.

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

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

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

Res. No. 1077-05.

By Council Members Zone, Cimperman, Coats, Jackson, White, Britt, Sweeney, Reed, Lewis, Westbrook and Polensek.

An emergency resolution supporting the U.S. Mayors Climate Protection Agreement and urging Mayors from around the United States to join the effort.

Whereas, according to the Intergovernmental Panel on Climate Change ("IPCC"), climate disruption is a reality and human activities are largely responsible for increasing concentrations of global warming pollution; and

Whereas, recent well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century, a forty percent decline in Arctic sea ice thickness,

and nine of the ten hottest years on record occurring in the past decade; and

Whereas, climate disruption of the magnitude now predicted by the scientific community will cause costly disruption of human and natural systems throughout the world; and

Whereas, the Kyoto Protocol is an international agreement addressing climate disruption that became law on February 16, 2005 for the one hundred forty one countries that ratified the agreement; and

Whereas, the United States of America comprises less than five percent of the world's population yet is responsible for producing approximately twenty-five percent of the world's global warming pollutants; and

Whereas, the United States of America is not a party to the Kyoto Protocol; and

Whereas, the Kyoto Protocol emissions reduction target for the United States had it ratified the agreement would have been seven percent below 1990 levels by 2012; and

Whereas, many leading United States companies have adopted greenhouse gas reduction programs in a demonstration of corporate responsibility and have expressed a need for the United States to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk, and to promote sound investment decisions; and

Whereas, state and local governments throughout the United States are adopting emission reduction target programs; and

Whereas, the leadership for the adoption of emissions reduction programs is a bipartisan effort with support from Republican and Democratic governors and mayors; and

Whereas, many cities throughout the United States, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

Whereas, mayors from around the United States have signed the U.S. Mayors Climate Protection Agreement; and

Whereas, the U.S. Mayors Climate Protection Agreement urges the federal government and state government to enact policies and programs to meet or beat the Kyoto Protocol target of reducing global warming pollution levels to seven percent below 1990 levels by 2012; and

Whereas, the U.S. Mayors Climate Protection Agreement urges the United States Congress to pass the bipartisan Climate Stewardship Act which would create a flexible, market-based system of tradable allowances among emitting industries; and

Whereas, Mayors signing the U.S. Mayors Climate Protection Agreement pledge to strive to meet or exceed Kyoto Protocol targets for

reducing global warming pollution in City operations and their communities; and

Whereas, one hundred thirty one U.S. Mayors have signed the U.S. Mayors Climate Protection Agreement; 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 expresses its support of the U.S. Mayors Climate Protection Agreement and urges Mayors from around the United States to join the effort.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to United States Senator George Voinovich, United States Senator Michael DeWine, Mayor Greg Nickels, City of Seattle, and Governor Robert Taft.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1515-03.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 117th and 118th Streets to Mt. Pleasant Now Development Corporation.

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

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

Ord. No. 2111-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from State of Ohio Office of Criminal Justice Services for the Project Safe Neighborhood - HUD Crime Reduction Project; and to enter into one or more contracts to implement the project.

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

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

Ord. No. 2113-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the Project Safe Neighborhood, Operation Safe Neighborhoods Program.

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

1. In the title, at the end, after "Program"; and in Section 1, line 3, after "Program" insert **"in the First and Sixth Police Districts"**

Amendment agreed to.

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

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

Ord. No. 2114-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the Safe Communities, Law Enforcement Overtime Program.

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

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

Ord. No. 2116-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the Ohio Safe Commutes Project Plan Program.

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

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

Ord. No. 583-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Parks, Recreation and Properties to enter into one or more contracts with various agencies to implement the Program.

Approved by Directors of Community Development, Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Community and Economic Development, Public Parks, Property and Recreation, Finance.

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

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

Ord. No. 586-05.

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

An emergency ordinance authorizing the Director of Economic Development to amend Enterprise Zone Agreement No. 55285 with Campus Movers, Inc. to include additional parties.

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

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

Ord. No. 654-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Elwell-Parker Industrial Park, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4205 St. Clair Avenue, Cleveland, Ohio, and all other associated costs necessary to redevelop the property.

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

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

Ord. No. 655-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Mister Twister, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4700 Lakeside Avenue, Cleveland, Ohio, and all other associated costs necessary to redevelop the property.

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

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

Ord. No. 658-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more consultants or one or more firms of consultants necessary to perform full integration services for network connectivity to various City facilities and var-

ious community centers that are without high-speed bandwidth or internet access; and authorizing the purchase by one or more requirement contracts for the purchase or lease of fiber, cabling, equipment, supplies and other services necessary for the network connectivity, for the Division of Information Technology and Services, Department of Finance, for a period not to exceed five years.

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

1. In the title, line 2, after "Finance" insert **"or the Director of Public Utilities, as appropriate,"**; and in line 13, after "Finance," insert **"or the Division of Cleveland Public Power, Department of Public Utilities, as appropriate,"**; and in the last line, strike "five years." and insert **"three years; authorizing the Director Finance to enter into an agreement with the Greater Cleveland Regional Transit Authority to share network resources; and authorizing the purchase by one or more requirement contracts of network services, digital transport circuits and services, and usage services necessary to maintain and support the current voice and data telecommunications network."**

2. Before the existing first whereas clause, insert the following new whereas clause:

"Whereas, the City's existing telecommunications voice and data network system is built on equipment from SBC and thus additional services and equipment to enhance and expand that system are available from SBC only; and"

3. In Section 1, the first paragraph, line 1, after "Finance" insert **"or the Director of Public Utilities, as appropriate,"**; at the end of the first paragraph, line 10, strike "five years" and insert **"three years"**; and in the second paragraph, in lines 2 and 4, after "Finance" and in line 7, at the first occurrence of "Finance" insert **"or the Director of Public Utilities, as appropriate,"**

4. In Section 2, line 1, after "Finance" insert **"or the Director of Public Utilities, as appropriate,"** and in line 9, after "Finance," insert **"or the Division of Cleveland Public Power, Department of Public Utilities, as appropriate"**.

5. In Section 4, line 3, after "Finance," insert **"or the Director of Public Utilities, as appropriate,"**

6. Insert new Sections 5, 6, 7, 8, and 9 to read as follows:

"Section 5. That the total cost of the contracts and purchases authorized in Sections 1, 2, and 4 shall not exceed \$462,000.

Section 6. That the Director of Finance is authorized to enter into an agreement with the Greater Cleveland Regional Transportation Authority (GCRTA) to share network resources by allowing the City to connect to GCRTA's fiber optic and wireless network and to allow GCRTA to connect to the City I-NET. There will be no compensation paid to or by the City or GCRTA for these connections.

Section 7. That the contract shall be prepared by the Director of Law

and shall contain terms and conditions to protect the City's interest, including the proper security provisions.

Section 8. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than SBC. Therefore, the Director of Finance is authorized to make one or more written contracts with SBC for the requirements for a one year period of the necessary items of network services, digital transport circuits and services, and usage services necessary to maintain and support the current voice and data telecommunications network, expanded under the authority of the above sections, in the approximate amount as purchased during the preceding terms, with one option exercisable by the Director of Finance, to renew for an additional one-year term.

Section 9. That the cost of the contract or contracts authorized in Section 8 shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Director of Finance under a requisition against the contract or contracts certified by the Director of Finance."

7. Renumber existing Section 5 to new "Section 10".

Amendments agreed to.

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

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

Ord. No. 718-05.

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

An emergency ordinance authorizing the Director of Consumer Affairs to apply for and accept grants and gifts from public and private entities to support the Anti-Predatory Lending Public Awareness Campaign.

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

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

Ord. No. 725-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Pulaski, Sowinski and Kosciuszko Avenues to Cleveland Municipal School District.

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

1. In the title, lines 4 and 5, strike ", Sowinski and Kosciuszko" and insert "and Sowinski".

2. Strike Sections 9, 10, 13, and 14 in their entirety and insert:

"Section 9. Reserved.

Section 10. Reserved.

Section 13. Reserved.

Section 14. Reserved."

Amendments agreed to.

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

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

Ord. No. 757-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kinsman Road to Burten, Bell, Carr Development, Inc. or designee.

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

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

Ord. No. 759-05.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with Standard Signs, Inc. for labor and materials necessary to furnish and install airfield signage 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. Strike the title and Section 1 in their entirety and insert:

"An emergency ordinance authorizing the purchase by one or more requirement contracts of the labor and materials necessary to furnish and install airfield signage, for the various divisions of the Department of Port Control.

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

ments for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

Amendment agreed to.

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

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

Ord. No. 765-05.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Board of Education to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2004-2005 school year.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

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

Ord. No. 768-05.

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

An emergency ordinance authorizing the Directors of Community Development and Building and Housing to enter into one or more contracts without competitive bidding with Hewlett-Packard Co. and Progress Software for the purchase of computer hardware and software maintenance, for the Departments of Community Development and Building and Housing, for a period not to exceed two years.

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

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

Ord. No. 817-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to remove rubber and any other contaminants from paved surfaces, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 818-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to conduct audits of select vendors, tenants and concessionaires of 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 819-05.

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 61473 with Great Lakes Construction Co. for the relocation of NASA's CCL and HTF site at NASA Glenn's Plum Brook Station in Sandusky, Ohio.

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

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

Ord. No. 852-05.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd Street to Jeff Kirkman.

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

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

Ord. No. 853-05.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Parks, Recreation and Properties to enter into lease agreements with various non-profit agencies to provide facilities for recreation activities.

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

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

Ord. No. 854-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into a development agreement with Zaremba, Inc., or its designee, for the sale and redevelopment of City-owned urban renewal parcels located on East 12th and East 13th Streets; and authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to Zaremba, Inc., or its designee.

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

1. In Section 4, at the end, add the following: **"That \$5.5 million of the purchase price, that is determined by the Board of Control, shall be paid to the City of Cleveland on or before October 15, 2005."**

Amendment agreed to.

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

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

Ord. No. 855-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Ord. No. 857-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contracts with CDBG-eligible agencies to implement the Cityworks Program.

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

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

Ord. No. 889-05.

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

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons and curbs (including adjustments of

castings and landscaping, if necessary) encroaching upon the public right-of-way on West 41st Street from Schiller Avenue to Archmere Avenue.

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

Ord. No. 890-05.

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

An emergency ordinance to levy special assessments to relay and repair sidewalks, driveway aprons and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-way on West 88th Street from Clark Avenue to Denison Avenue.

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

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

Ord. No. 895-05.

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 57531 with Independence Excavating Inc., for construction of Abram Creek, for the Department of Port Control.

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

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

Ord. No. 896-05.

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

An emergency ordinance determining the necessity of the emergency expansion of Continental Airlines Inc.'s baggage make-up area and of the security checkpoint at Concourse C at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into an agreement with Continental Airlines Inc. for the design and installation of the improvements.

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

Ord. No. 897-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Waste Water System; and authorizing the Director of Port con-

trol to enter into one or more public improvement contracts for the making of the improvement.

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

Ord. No. 899-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide quality assurance and surveying services for projects not related to airport expansion, for a period of two years.

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

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

Ord. No. 900-05.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide general engineering services, for a period of two years.

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

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

Ord. No. 907-05.

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

An emergency ordinance appropriating Community Development Block Grant funds for the promotion of various housing events for the Department of Community Development.

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

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

Ord. No. 908-05.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the environmental remediation and demolition of certain properties located at 3542 and 3570 East 71st Street and 3540 East 72nd Street located in Slavic Village; and authorizing the Director to enter into one or more contracts with Slavic Village Development to implement the project.

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

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

Ord. No. 941-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a gift of onsite data gathering and an analysis from Advizex Technologies, for the Department of Finance.

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

1. In the title, lines 2 and 3, strike "a gift of" and insert "**services at no cost to the City in the nature of**".

2. In Section 1, line 2, strike "a gift to provide" and insert "**services in the nature of**"; and at the end of the section, strike the period and insert "**, at no cost to the City.**".

Amendments agreed to.

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

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

Ord. No. 942-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a gift of a high capacity wireless link from Winncom Technologies Corporation, for the Department of Finance.

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

1. In the title, lines 2 and 3 strike "a gift of" and insert "**at no cost to the City**".

1. In the Section 1, line 2, strike "a gift of", and at the end, strike the period and insert "**, at no cost to the City.**".

Amendment agreed to.

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

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

Ord. No. 967-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tastebuds, LLC, dba Tastebuds, to provide economic development assistance in the form of a loan and a grant to partially finance the interior leasehold improvement, architectural and engineering fees and other costs associated with interior renovation of an existing restaurant located at 1400 East 30th Street.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Commit-

tees on Community and Economic Development, Finance.

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 969-05.

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

An emergency resolution supporting the Board of County Commissioners' Clean Ohio Revitalization grant application to the Ohio Department of Development.

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

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

LAI D ON THE TABLE

Ord. No. 1185-04.

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

An emergency ordinance authorizing the purchase by one or more contracts furniture and equipment for the Cleveland Career Center, for the Office of Workforce Development, Department of Economic Development.

Without objection, Ordinance No. 1185-04 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0. Ordinance No. 1185-04 Tabled.

MOTION

By Council Member Kelley, seconded by Council Member Polensek and unanimously carried that the absence of Council Member Joseph T. Jones, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 9:00 p.m. to meet at the call of the Chair.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 18, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 18, 2005, at 10:30 a.m. with Director Beasley presiding.

Present: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Absent: Mayor Campbell and Director Huth.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 244-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Coyne Textile Services, for an estimated quantity of rental and laundry of work clothing, groups A-Q (all items), for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on April 20, 2005, pursuant to the authority of Ordinance No. 268-05, passed March 28, 2005, which on the basis of the estimated quantity would amount to One Hundred One Thousand Ninety-Three and 20/100 Dollars (\$101,093.20) (0% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154152 which shall be certified against such contract in the sum of Six Thousand Dollars (\$6,000.00).

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 245-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Mars Electric Company for an estimated quantity of Street-lighting Lamps, item nos. 1 thru 24, 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 March 3, 2005, pursuant to the authority of Section 129.26 of the Codified Ordina-

nances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Nine Hundred Eleven Thousand Seven Hundred Sixteen and no/100 Dollars (\$911,716.00) (2%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153638 which shall be certified against the contract in the sum of Fifty Thousand and no/100 Dollars (\$50,000.00).

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 246-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Shook/Kokosing, LLC for the public improvement of the Baldwin Rapid Mix/Flocculation/Sedimentation Project (including a \$2,734,100.00 contingency allowance), (all items), for the Division of Water, Department of Public Utilities, received on April 22, 2005, under the authority of Ordinance No. 2294-04, passed April 18, 2005, upon a gross price for the improvement in the aggregate amount of Thirty Million Seventy-Five Thousand One Hundred Dollars (\$30,075,100.00) is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into a contract for the improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Shook/Kokosing, LLC for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
Lawrence Harris (MBE)	1.66% \$ 500,000.00
McTech Corp/DBA Tech Ready Mix (MBE)	4.26% \$1,280,000.00
The Minority Trucking & Contracting Assoc. (MBE)	1.00% \$ 300,000.00
Dmytryka Jacobs Engineers, Inc. (MBE)	0.75% \$ 225,000.00
KLE Construction Company (MBE)	5.24% \$1,575,800.00

Western Waterproofing Company of Ohio LLC (FBE)	2.88% \$ 867,000.00
Resource International, Inc. (FBE)	1.00% \$ 300,000.00
Able Contracting Group, Inc. (FBE)	0.24% \$ 72,000.00
R-CAP Security (FBE)	0.46% \$ 137,500.00
Burkshire Construction (FBE)	1.00% \$ 300,000.00
M & R Enterprises, Inc. (MBE)	2.99% \$ 900,000.00
VIP Restor	4.41% \$1,325,000.00
FB & S Masonry	1.05% \$ 315,000.00
Sampson Maintenance	1.33% \$ 400,000.00

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 247-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of D. B. Johnsen Company, for an estimated quantity of labor and materials needed to repair low-pressure steam boiler systems and appurtenances (all items), for the Division of Water, Department of Public Utilities, for a period of two (2) years, received on the 31st day of March, 2005, under the authority of Ordinance No. 2310-03, passed December 15, 2003, which on the basis of the estimated quantity would amount to Seventy-Six Thousand Eight Hundred Five Dollars (\$76,805.00) (1% 10 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 such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159458 which shall be certified against such contract in the sum of Twenty-Five Thousand Dollars (\$25,000.00).

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 248-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Libby Construction Co., Inc. for an estimated quantity of labor and materials necessary to repair or replace fire hydrants and appurtenances-Area B, (all items), for the Division of Water, Department of Public Utilities, for a period of one (1) year, received on the 4th day of March, 2005, under the authority of Ordinance No. 1002-03, passed June 10, 2003, which on the basis of the estimated quantity would amount to Two Million One Hundred Four Thousand Nine Hundred Eighty Seven Dollars and 50 Cents (\$2,104,987.50) (1%, 20 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 such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159453

which shall be certified against such contract in the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00).

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, 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 Libby Construction Co., Inc. for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
Rockport Construction & Materials, Inc. (FBE)	1.00% \$ 21,049.88
LJI Construction Co. Inc.	10.00% \$210,498.75

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 249-05.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 2103-04, passed by the Council of the City of Cleveland on December 13, 2004, the firm of Science Applications International Corporation ("SAIC"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide management of sampling and analytical service needs at Cleveland Hopkins International and Burke

Lakefront airports for the Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with SAIC based upon its proposal, provided that the compensation to SAIC for the services authorized shall not exceed \$700,000.00 for the professional services described above, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following sub-consultants by SAIC is approved:

<u>Subconsultant</u>	<u>Contract % Amount</u>
Teledyne ISCO, Inc. - W	1.42% \$ 10,000.00
Teledyne ISCO, Inc - S	2.14% \$ 15,000.00
Horiba Instruments, Inc.-W	1.14% \$ 8,000.00
Horiba Instruments, Inc. - S	2.14% \$ 15,000.00
Satellite Shelters, Inc.	0.85% \$ 6,000.00
Scientific Sales, Inc.	5.41% \$ 37,880.00
Exploration Instruments, LLC	0.71% \$ 5,000.00
Mid-American Security Service	1.4% \$ 10,000.00
K. S. Associates	1.00% FBE \$ 6,980.00
Eden Environmentals	4.00% FBE \$ 28,050.00
Kemron Environmental	15.00% MBE \$ 105,000.00

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 250-05.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Recycle America Alliance, LLC for an estimated quantity of processing of recyclables, items 1 and 2, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of two years beginning with the date of execution of a contract, received on April 8, 2005 under the authority of Ordinance No. 775-04, passed May 17, 2004, is affirmed and approved as the lowest and best bid for item 1 (contractor transport and process of recyclable material) which on the basis of the estimated quantity would amount to approximately \$139,900.00, and is further affirmed and approved as the highest and best bid for item 2 (City delivery of

recyclable material to contractor) which on the basis of the estimated quantity would amount to approximately \$30,100, comprised of \$14,850 for Year 1 and \$15,250 for Year 2, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase, as the initial amount of the contract of the following:

Requisition No. 130550

Item 1,

which shall be certified against the contract in the sum of Seven Thousand and 00/100 Dollars (\$7,000.00).

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 251-05.

By Director Ronayne.

Whereas, under the authority of Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control adopted Resolution 185-05 on April 20, 2005, authorizing the Director of Parks, Recreation, and Properties to amend City Contract No. 60547 with Innovative Foods, Inc. ("Concessionaire") for the operation of concession stands at Gordon and Brookside Parks for an additional 60 days; and

Whereas, Resolution 185-05 did not specify the concession fee that the Concessionaire shall pay to the City for the additional 60 days; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 185-05, adopted April 20, 2005, is amended by adding the following sentence to the end of the first paragraph: Concessionaire shall pay the City a monthly concession fee of 5% of the gross profits.

Be it further resolved that all other terms and provisions of Resolution No. 185-05 not expressly amended hereby shall unchanged and in full force and effect.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 252-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 004-19-180, located on Jefferson Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 724-05 passed May 9, 2005, authorized the

sale of said parcel for a consideration established by the Board of Control at not less than Fair Market Value; and

Whereas, Thomas P. Leneghan has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 724-05 passed May 9, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Thomas P. Leneghan for the sale and development of Permanent Parcel No. 004-19-180, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 253-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 103-12-031, located at Kinsman Road under said Land Reutilization Program; and

Whereas, Ordinance No. 375-05 passed April 25, 2005, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Mt. Pleasant Now Development Corporation has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 375-05 passed April 25, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Mt. Pleasant Now Development Corporation for the sale and development of Permanent Parcel No. 103-12-031, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 254-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 006-22-030 and 006-22-031, located at Fenwick Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 474-05 passed April 25, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Stockyard Redevelopment Organization or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 474-05 passed April 25, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Stockyard Redevelopment Organization or designee for the sale and development of Permanent Parcel Nos. 006-22-030 and 006-22-031, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 255-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 118-03-071, 118-03-072 and 118-03-073, located at Olive Court under said Land Reutilization Program; and

Whereas, Ordinance No. 421-05 passed April 25, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Melanie Shounnette Powell Brazil have proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 421-05 passed April 25, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Melanie Shounnette Powell Brazil for the sale and development of Permanent Parcel Nos. 118-03-071, 118-03-072 and 118-03-073, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 256-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 130-08-031, 130-08-076 and 130-08-137, located at Kinsman Road and East 132nd Street under said Land Reutilization Program; and

Whereas, Ordinance No. 376-05 passed April 25, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Mt. Pleasant Now Development Corporation has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 376-05 passed April 25, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Mt. Pleasant Now Development Corporation for the sale and development of Permanent Parcel Nos. 130-08-031, 130-08-076 and 130-08-137, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 257-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 119-03-032, located at Crawford Road under said Land Reutilization Program; and

Whereas, Ordinance No. 422-05 passed April 25, 2005, authorized the

sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Terrance Thompkins and Veora Croft-Thompkins have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 422-05 passed April 25, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Terrance Thompkins and Veora Croft-Thompkins for the sale and development of Permanent Parcel No. 119-03-032, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 258-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 103-22-012, 103-22-013, 103-22-015, 103-22-020, 103-22-021, 103-22-022, 103-22-141, 103-22-149, 103-22-098 and 103-22-137, located at Cedar Avenue, East 39th and 38th Streets under said Land Reutilization Program; and

Whereas, Ordinance No. 1025-96 passed June 18, 1996, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell and Carr Development Corporation or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1025-96 passed June 18, 1996, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell and Carr Development Corporation or designee for the sale and development of Permanent Parcel Nos. 103-22-012, 103-22-013, 103-22-015, 103-22-020, 103-22-021, 103-22-022, 103-22-141, 103-22-149, 103-22-098 and 103-22-137, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is here-

by determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

Resolution No. 259-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction Company, Inc., for the public improvement of the building improvements for the Collinwood Community Center, base bid and alternates 2 and 3, for the Department of Public Service, received on March 9, 2005, under the authority of Ordinance No. 2142-03, passed February 9, 2004, for a gross price for the improvement in the aggregate amount of Eight Hundred Thousand Three Hundred and no/100 Dollars (\$800,300.00), is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for the improvement with the bidder.

Be it further resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction Company, Inc. is approved:

<u>Subcontractor</u>	<u>Amount</u>
<u>MBE/FBE</u>	<u>Percentage</u>
Post Painting	
FBE	\$ 16,400 2.05%
HMH Restoration Ltd.	
FBE	\$ 33,000 4.12%
Pearlock Mechanical	
MBE	\$ 15,000 1.87%
Coleman Spohn	
MBE	\$ 58,000 7.25%
Northern Interiors	
	\$ 40,000 5.00%
Warren Roofing	
	\$ 57,000 7.12%
E.R. Flynn	
	\$ 43,000 5.37%
Corporate Floors	
	\$ 16,000 2.00%
Unimech	
	\$135,000 16.87%
Hagner Electric	
	\$ 58,000 7.25%

Yeas: Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Mayor Campbell and Director Huth.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated 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, JUNE 6, 2005

9:30 A.M.

Calendar No. 05-112: 8315 Jeffries Avenue (Ward 2)

The Cleveland Municipal School District, owner, and David Dickinson, agent, appeal to construct a two-story Elementary/Middle School education facility on the site formerly occupied by Warner School and Gymnasium and to be situated on acreage located between Jeffries and Connecticut Avenues, located in split zoning between General Retail Business and Two-Family Districts on the northeast corner of Warner Road and Jeffries Avenue at 8315 Jeffries Avenue; contrary to Section 349.04, there are 42 parking spaces provided and 57 are required; and in Section 337.03(b), a public school may be permitted, as regulated in Section 337.02(f)(3)A, with approval by the Board of Zoning Appeals, after public notice and hearing to determine if there are adequate yard spaces and other safeguards to preserve the character of the neighborhood; and whether such buildings and uses are appropriately located and designed to meet a community need without adversely affecting the neighborhood.

Calendar No. 05-113: 11021 East Boulevard (Ward 9)

The Cleveland Institute of Music, owner, and Richard Keilman, agent, appeal to erect a two-story addition to provide for offices, practice rooms, an audio studio, a recital hall and interior alterations to the existing Institute of Music building, located in a D5 Multi-Family Dis-

trict on the northeast corner of East Boulevard and Hazel Drive at 11021 East Boulevard; contrary to Section 355.07, a total floor area of 107,297 s/f is proposed in the "D" area district, exceeding the total lot area of 99,302 s/f that is allowed; no on site parking is proposed, contrary to Section 349.02 that requires accessory off-street parking at the rate of 1 space for each 2 employees, plus 1 for each 10 classroom seats and 1 for each 6 concert hall or auditorium seats; and contrary to Section 357.04, proposed is 10' instead of a front yard setback either equal to 15% of the lot depth, or a line equal to that of existing buildings on East Boulevard, measuring 30' or more; and an 8' interior side yard and a 20' rear yard are required, according to Sections 357.09 and 357.08 of the Codified Ordinances.

Calendar No. 05-114: 3479 West 122nd Street (Ward 19)
Edith Berki, owner, appeals to install storm windows to alter the existing 7' 6" x 13' 9" front porch of a two-story single family dwelling, situated on a 35' x 105' lot in an A1 One-Family District on the east side of West 129th Street at 3479 West 129th Street; contrary to Section 357.13(b)(4), a 7' 6" front porch projection is provided and not more than 4' is allowed.

Calendar No. 05-116: 7923 Franklin Boulevard (Ward 17)
Dave Roswurm, owner, appeals to erect a 26' x 33' one-story frame, accessory garage at the rear of an existing two-story dwelling proposed to be situated on an approximate 40' x 174' lot in a B1 Two-Family District on the south side of Franklin Boulevard at 7923 Franklin Boulevard; subject to Section 327.02(e), a plot plan drawn to scale is required for approval of lot consolidation by Engineering and Construction; and as proposed, the accessory garage is contrary to Section 337.23(b) that allows it, prior to construction of a main building on the lot, only if the accessory building is erected on the rear half of the lot and placed so as not to prevent the practicable and conforming location of the main building.

Calendar No. 05-117: 652 East 159th Street (Ward 11)
Sherrie Davis owner, appeals to install 384' of 4' high chain link fence at the perimeter of a 93' x 156' irregular shaped, corner lot in B1 Two-Family District, located on the southwest corner of East 159th Street and Saranac Road at 652 East 159th Street; contrary to the Fence Regulations, ornamental fences are required in actual front and side street yards, if located within 4' of the property line, as stated in Section 348.04(c)(1) of the Codified Ordinances.

Calendar No. 05-118: 711 Vincent Avenue (Ward 13)
MRN Limited, a.k.a. Downtown Buildings LLC, owner, appeal to change from a nightclub to a parking garage the use of an existing two-story brick building, situated on acreage located in a General Retail Business District on the south side of Vincent Avenue at 711 Vincent Avenue; subject to the requirements of Section 343.18(c), the driveway along Vincent Avenue that provides

access to the property must be located so that not less than 15' is between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line.

Calendar No. 05-119: 4100 Broadway Avenue (Ward 5)
Ruth Laumer, owner, appeals to erect a two-story brick and block crematorium on a 40' x 150' corner lot, located in a Semi-Industry District on the southwest corner of Broadway and Dille Avenues at 4100 Broadway Avenue; contrary to Section 345.03, the proposed crematorium is first permitted in a General Industry District and Section 345.04(b) requires that it is only as a use accessory or incidental to a permitted use with a special permit from the Board of Zoning Appeals required; and a 6' wide frontage landscape strip is required where the parking lot fronts along Dille Avenue, according to Sections 352.10 through 352.12 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 23, 2005

At the meeting of the Board of Zoning Appeals on Monday, May 23, 2005, the following appeals were heard by the Board:

Calendar No. 04-328: Appeal of North Coast Payphones, Inc./ClevePhones, Inc.
North Coast Payphones appealed from denied payphone permit applications by the Commissioner of Assessments and Licenses by correspondence dated December 7, 2004.

The Board upheld the following decisions of the Commissioner of Assessments and Licenses to deny payphone permit applications:

- Ward 1
 - 4159 Lee Rd. — w/n 500' of permitted phone
- Ward 2
 - 3790 E. 116th St. — violates liquor provision
 - 3661 E. 93rd St. — violates liquor provision
 - 3831 E. 93rd St. — violates liquor provision
 - 4055 E. 93rd St. — violates liquor provision
 - 13411 Miles Ave. — violates liquor provision
- Ward 4
 - 13108 Buckeye Rd. — vacant building
 - 2976 E. 116th St. — violates liquor provision
 - 3111 E. 93rd St. — violates liquor provision
 - 12914 Griffing — violates liquor provision
- Ward 5
 - 5474 Broadway — vacant building
 - 3337 Central Ave. — violates liquor provisions
 - 3210 E. 49th St. — vacant building

- 6206 Woodland — 500' from permit #103
- 8315 Woodland — violates liquor provision
- Ward 6
 - 7701 Cedar Ave. — 500' of permitted payphone
 - 7901 Cedar Ave. — 500' of permitted payphone
 - 5498 Chester Ave. — 500' of permitted payphone
 - 2249 E. 105th St. — vacant building/lot
 - 2609 E. 110th St. — violates liquor provision
 - 9209 Quincy Ave. — violates liquor provision
- Ward 7
 - 1136 E. 79th St. — vacant building
 - 1210 E. 79th St. — vacant building
 - 8023 Superior — violates liquor provision
 - 7305 Superior — nuisance as of 11-23-04
- Ward 8
 - 10305 St. Clair Ave. — 500' of permitted payphone
- Ward 9
 - 11701 St. Clair — violates liquor provision
 - 12200 St. Clair — violates liquor provision
- Ward 10
 - 15521 St. Clair — 500' of permitted payphone
- Ward 12
 - 6405 Fleet Ave. — violates liquor provision
 - 7180 Union Ave. — violates liquor provision
- Ward 13
 - 4423 Detroit Ave. — violates liquor provision
 - 3133 Payne Ave. — violates liquor provision
 - 6029 Superior Ave. — violates liquor provision
- Ward 14
 - 3335 Fulton Rd. — violates liquor provision
 - 3203 W. 25th St. — 500' from permit #7
- Ward 15
 - 2044 Broadview Rd. — 500' from permit #134
 - 3556 Fulton Rd. — violates liquor provision
- Ward 16
 - 4540 Broadview — 500' from permit #135
 - 5741 Memphis — violates liquor provision
- Ward 17
 - 5802 Lorain Ave. — nuisance as of 11-23-04
- Ward 19
 - 3590 Bosworth Ave. — violates liquor provision
 - 12204 Lorain Ave. — nuisance — 500' of permitted payphone
 - 12520 Lorain Ave. — violates liquor provision
- Ward 20
 - 4606 W. 130th St. — violates liquor provision
- Ward 21
 - 14053 Lorain Ave. — violates liquor provision

The following appeals from the denied applications for payphone permits were withdrawn by the appellant:

Ward 3
3852 MLK Blvd. — vacant lot

Ward 5
6017 Quincy Ave. — vacant lot

Ward 10
14339 St. Clair Ave. — vacant building

Ward 17
7518 Lorain Ave. — vacant lot

Ward 18
8504 Detroit Ave. — vacant building — 550' from permit #143

The following permit application denial was withdrawn by the City:

Ward 14
3332 W. 32nd Street — 3' from dumpster gate obstructs pedestrian and/or vehicular traffic for dumpster.

Calendar No. 04-330: Appeal of North Coast Payphones, Inc. ClevePhones, Inc.

Howard Meister and North Coast Payphones/ClevePhones, Inc. appealed from an order issued by the Commissioner of Assessments and Licenses to remove outdoor payphones declared a nuisance by the Director of Public Safety;

The Board upheld the following decisions of the Commissioner of Assessments and Licenses:

Ward 6
East 121st and Larchmere

Ward 7
74th and Superior
74th and Superior
74th and Superior
77th and Superior — Permit #155
79th and Superior
79th and Wade Park — Permit #41
84th and Superior — Permit #93

Ward 17
58th and Lorain

The following appeals from removal orders for the outdoor payphones were withdrawn by the appellant:

Ward 5
3939 Community College Ave.
3939 Community College Ave.

Ward 7
79th and Cornelia, a.k.a. 1136 E. 79th Street

Ward 17
58th and Lorain

Calendar No. 05-2: Appeal of North Coast Payphones, Inc. ClevePhones, Inc.

Howard Meister and North Coast Payphones/ClevePhones, Inc. appealed from an order issued by the Commissioner of Assessments and Licenses to remove outdoor payphones declared a nuisance by the Director of Public Safety;

The Board upheld the following decisions of the Commissioner of Assessments and Licenses:

12520 Lorain Ave. — Ward 19
14053 Lorain Ave. — Ward 21

15315 Bartlett Ave. — Ward 3
15315 Bartlett Ave. — Ward 3
3111 East 93rd St. — Ward 4
3111 East 93rd St. — Ward 4
12914 Griffing Ave. — Ward 6
2249 East 105th St. — Ward 6
7901 Cedar Ave. — Ward 6
1210 East 79th St. — Ward 7
6206 Woodland Ave. — Ward 5
8315 Woodland Ave. — Ward 6
3332 West 32nd St. — Ward 14
3767 Community College (permit 1206) — Ward 5
1166 East 123rd St. — (permit 1218) — Ward 9
3502 Walton Ave. — (permit 1216) — Ward 14
15521 St. Clair Ave. — Ward 10

The following appeal was Postponed:

Calendar No. 05-28: 3090 East 93rd Street postponed to June 6, 2005.

In Executive Session on May 23, 2005, the following appeals heard by the Board on May 16, 2005 were adopted and approved.

The following appeals were Approved:

Calendar No. 05-17: 1545 Dexter Place
Urban Properties LLC appealed to erect 14 townhouse units in 2 buildings with 9 attached units along Dexter Place and 5 attached units along West 28th Street in a Two-Family District.

Calendar No. 05-77: 3400 St. Clair Avenue

The Hong Kong Trading Center appealed to expand an existing restaurant with the addition of a tavern and nightclub in a General Industry District.

Calendar No. 05-106: 2086 West 19th Street

Martin McBride Niagra Homes appealed to erect a two-story addition to an existing single family dwelling in a Two-Family District.

Calendar No. 05-108: 8912 Morris Avenue

Cleveland Municipal School District appealed to construct a two-story Kindergarten through Eighth Grade educational facility in a Two-Family District.

The following appeals were Dismissed:

Calendar No. 05-79: 1082 East 105th Street

Maher Ali appealed to expand a nonconforming use by adding construction of a gas station to a grocery store in Local Retail Business and Two-Family Districts.

Calendar No. 05-105: 4098 Lee Road

Gary Thomas appealed to repair 50% fire damage and change from auto storage to auto repair the use of a fire damaged building in a General Retail Business District.

The following appeal was Reinstated:

Calendar No. 05-78: 4300 Whitman Avenue

Larry Brichacek appealed to erect a single family dwelling with an attached garage in a Two-Family District.

The following appeals heard by the Board on January 3, 2005 were adopted and approved on May 23, 2005:

The following appeals were Approved:

Calendar No. 04-307: 5300 Brookpark Road

Sun Properties, owner and Central Catholic Activity Center, tenant, appealed to change from a warehouse to a bingo hall the use of an existing one-story building in split zoning for Semi-Industry and General Industry Districts; subject to conditions.

Calendar No. 04-308: 5320 Brookpark Road

Sun Properties, owner, and Hilltopper Girls Athletic Association, tenant, appealed to change from a warehouse to a bingo hall the use of an existing one-story building in split zoning for Semi-Industry and General Industry Districts; subject to conditions.

Calendar No. 04-309: 5360 Brookpark Road

Sun Properties, owner, and Our Lady of the Cedars, tenant, appealed to change from a warehouse to a bingo hall the use of a one-story building in split zoning for Semi-Industry and General Industry Districts; subject to conditions.

Calendar No. 04-310: 5370 Brookpark Road

Sun Properties, owner, and Irene and George Smirnov, tenants, appealed to change from a warehouse to a bingo hall the use of a one-story building in split zoning for Semi-Industry and General Industry Districts; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
May 18, 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-34-05.

RE: Appeal of Arthur & Marjorie Doxey, Owners of the Property located on the premises known as 11802 Kinsman Road from a NOTICE OF VIOLATION — ILLEGAL SIGN of the Director of the Department of Building and Housing, dated March 3, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-34-05 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-39-05.

RE: Appeal of Eric Minshall, Receiver of the Three Story Masonry Property located on the premises

known as 2310 Superior Avenue from a NOTICE OF VIOLATION — ILLEGAL USE of the Director of the Department of Building and Housing, dated March 22, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-39-05 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-40-05.

RE: Appeal of Gary Meacher & William H. Hodoba, Owner and Contractor of the Single Family Wood Property located on the premises known as 3606 Cecilia Avenue from a NOTICE OF VIOLATION — ELECTRICAL of the Director of the Department of Building and Housing, dated April 8, 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 REMAND the property at 3606 Cecilia Avenue 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. Gallagher.

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

* * *

Docket A-41-05.

RE: Appeal of Better Solutions Enterprises, Inc., Owner of the Two Dwelling Units/Three Story Wood Frame Residential Property located on the premises known as 6607 Wakefield Avenue from a FORTHWITH FIRE CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated April 19, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-41-05 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-42-05.

RE: Appeal of the Secretary of Housing and Urban Development, Owner of the One Dwelling Unit Two & One/half Story Frame Residential Property located on the premises known as 4905 Train Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Director of the Department of Building and Housing, dated February 17, 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 an "Extension of Time" in which to abate the violations, and to REMAND the property at 4905 Train Avenue 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. Gallagher.

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

Docket A-43-05.

RE: Appeal of Dennis Griffin, Owner of the One Dwelling Unit Two & One/half Story Frame Residential Property located on the premises known as 12313 Iowa Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Director of the Department of Building and Housing, dated March 24, 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 REMAND the property at 12313 Iowa Avenue 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. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-44-05.

RE: Appeal of Cecil A. Witcher, Owner of the One Dwelling Unit Two & One/half Story Wood Frame Residential Property located on the premises known as 9914 Orleans Avenue from a NOTICE OF VIOLATION — SMOKE DETECTORS/INTERIOR & EXTERIOR MAINTENANCE/PEELING PAINT of the Director of the Department of Building and Housing, dated April 4, 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 until August 1, 2005 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. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-47-05.

RE: Appeal of Flats Development, Owner of the Property located on the premises known as 1151 Main Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated May 9, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the tent to be erected and operated as proposed, noting the concurrence of the Building Department and the Fire Prevention Bureau, regarding safety presented by a Fire Watch; and that the capacity of the tent is not to exceed six hundred (600). Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

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-28-05—Al Avery—Ruby's Deli Inc.
A-35-05—Michael Scordos.
A-36-05—Dollar Bank.
A-38-05—Helen Harris Moore.

Yeas: Messrs. Saunders, Gallagher, Saab. Nays: None. Not Voting: Mr. Denk. Absent: Mr. Bradley.

* * *

APPROVAL OF MINUTES:

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

May 4, 2005

Yeas: Messrs. Saunders, Gallagher, Saab. Nays: None. Not Voting: Mr. Denk. Absent: Mr. Bradley.

* * *

INFORMAL HEARING:

HERMAN GIBANS FODOR, INC.
JAMES D. GIBANS, FAIA

RE: LAKEVIEW TERRACE
COMMUNITY BUILDING
WEST 25TH STREET
(NORTH OF DIVISION
AVENUE)

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing
By the Council Committee
On City Planning

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, June 6, 2005
9:00 A.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 6, 2005, at 9:00 a.m., to consider the following ordinance now pending in the Council:

Ord. No. 784-05.

By Council Member Rybka.
An ordinance changing the zoning of properties located on the west side of East 55th Street between Blanche Ave. and Mound Ave. and on the East side of East 49th Street from a General Industry District and a '3' Height District to an RA2 Townhouse District and a '1' Height District (Map Change No. 2150, Sheet No. 6).

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

May 18, 2005 and May 25, 2005

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, JUNE 1, 2005

Kerruish Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

May 18, 2005 and May 25, 2005

THURSDAY, JUNE 2, 2005

Labor and Materials Necessary to Maintain or Repair Overhead Doors, for the Various Divisions of City Government, Department

of Finance, as authorized by Ordinance No. 552-05, passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2005 AT 10:30 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 18, 2005 and May 25, 2005

FRIDAY, JUNE 3, 2005

Electronic Protection, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 634-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 18, 2005 and May 25, 2005

WEDNESDAY, JUNE 8, 2005

Construction Taxiways, Ramps, and Runway Improvements (Runway 10-28 Safety Improvements Phase 1-Part A), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2376-02, passed by the Council of the City of Cleveland, March 10, 2003.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

May 18, 2005 and May 25, 2005

THURSDAY, JUNE 16, 2005

Cudell Clock Tower Renovations (Phase 2), for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 3, 2005 AT 10:30

A.M., CONFERENCE ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Repair and/or Replace Plumbing, Water, Sewer and Gas Lines for Buildings and Property Owned by CPP, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2289-04, passed by the Council of the City of Cleveland, January 24, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 3, 2005 AT 11:00 A.M., 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 18, 2005 and May 25, 2005

FRIDAY, JUNE 17, 2005

Meters and Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, JUNE 9, 2005 AT 2:00 P.M., 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 18, 2005 and May 25, 2005

THURSDAY, JUNE 23, 2005

Streetlighting Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, January 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING** WEDNESDAY, JUNE 8, 2005 AT 11:00 A.M., 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

May 18, 2005 and May 25, 2005

WEDNESDAY, JUNE 8, 2005

Anti-Spam Software, for the Division of Information Technology & Services, Department of Finance, as authorized by Ordinance No. 69-04, passed by the Council of the City of Cleveland, January 12, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 1:00 P.M., DIVISION OF INFORMATION TECHNOLOGY & SERVICES, 205 WEST ST. CLAIR AVENUE, 4TH FLOOR, CLEVELAND, OHIO 44113.

May 25, 2005 and June 1, 2005

THURSDAY, JUNE 9, 2005

Sale of Waste Oil, Used Anti-Freeze and Oil Filters, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Section 181.19, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

One (1) Cab/Chassis with Air/Light Unit Body, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

May 25, 2005 and June 1, 2005

FRIDAY, JUNE 10, 2005

Various Traffic Signal and Sign Equipment, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Aluminum Sign Blanks, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Mast Arm Signal Supports, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Vinyl Sheeting, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 417-05, passed by the Council of the City of Cleveland, April 25, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE

ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 25, 2005 and June 1, 2005

WEDNESDAY, JUNE 15, 2005

Bunker Gear Suits, including Proximity Coats, Proximity Pants, Hoods, Helmets, Suspenders and Boots, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 463-05, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, JUNE 3, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Prisoner Meals, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2231-04, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., DIVISION OF POLICE, JUSTICE CENTER, 3RD FLOOR, 1300 ONTARIO STREET, CLEVELAND, OHIO 44113.

Phase II Residential Sound Insulation Program (RSIP) 2005 General Construction (Contract A-05-1) and HVAC/Electrical (Contract A-05-2), for the Division of Cleveland Hopkins International Airport, Department of Port Control as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000, respectively.

THERE WILL BE A **REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER**.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 2, 2005 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

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

May 25, 2005 and June 1, 2005

WEDNESDAY, JUNE 22, 2005

Repair of Various Air Tools and Testing (re-bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1740-01, passed by the Council of the City of Cleveland, December 3, 2001.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, JUNE 9, 2005 AT 10:00 A.M., DIVISION OF WATER DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

May 25, 2005 and June 1, 2005

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 973-05.**

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

An emergency resolution fixing the time and place for hearing objections to estimated assessments with respect to improving Euclid Avenue between Public Square and East 70th Street, by making specified improvements upon the public right-of-way.

Whereas, under Resolution No. 2372-04, adopted February 28, 2005, this Council declared the necessity of improving Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way, or otherwise improving vaults appurtenant to the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; and

Whereas, Section 148 of the Charter provides for a Board of Revision of Assessments to hear objections relating to assessments; and

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

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

Section 1. That the Board of Revision of Assessments shall meet at 11:00 a.m. on Thursday, June 2, 2005, at the Cleveland Convention Center, 500 Lakeside Avenue, Room 211, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of Council under Resolution No. 2372-04, adopted February 28, 2005, by this Council.

Section 2. That upon completion of the hearing and any adjournments, the Board of Revision of Assessments shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the Board of Revision of Assessments.

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 May 16, 2005.
Effective May 18, 2005.

Res. No. 977-05.**By Council Member Cintron.****An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, and D3A Liquor Permit to 5004 Storer Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from El Paraiso, Inc., 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 2465601 to Santiago Sanchez Entertainment Group LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from El Paraiso, Inc., 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 2465601 to Santiago Sanchez Entertainment Group LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted May 16, 2005.

Effective May 20, 2005.

Res. No. 983-05.**By Council Members Jackson, Cimperman, Westbrook, Brady, Britt, Zone, Polensek, Sweeney, Coats, Pierce Scott, Reed, Gordon, Lewis and Cintron.****An emergency resolution urging the United States Department of Defense and the Defense Finance & Accounting Services office (DFAS) to retain important federal defense jobs in Cleveland and supporting and encouraging the Cleveland Defense Industry Alliance and the Greater Cleveland Partnership in its advocacy efforts to preserve the region's economic vitality by encouraging the retention of these jobs; and further committing Council's support and assistance to the Cleveland Defense Industry Alliance in its efforts to reverse the Defense Department's recommendation to close Cleveland's DFAS office.**

Whereas, Cleveland City Council has as one of its primary responsibilities improving the health and welfare of the citizens of the City of Cleveland, which is best accomplished through job creation and retention of current jobs in the City of Cleveland; and

Whereas, the Defense Finance & Accounting Services (DFAS) employs more than 15,000 people at 25 processing centers worldwide distributing \$101 billion in FY 2003 and serving 2,745,000 military and civilian personnel, retirees and annuitants; and

Whereas, the DFAS has operated in Cleveland in different forms since 1942 and is currently the fourth largest federal employer in Greater Cleveland, with a \$65 million annual payroll; and

Whereas, the Cleveland DFAS office has been the world center for Navy payroll services and personnel data management since its inception; and

Whereas, the number of DFAS jobs currently located in downtown Cleveland is 1,200 with another 300 contractor jobs; and

Whereas, the Cleveland DFAS office provides jobs that are vital to the health of the regional workforce and enriches the ranks of professionals in our City; and

Whereas, the loss of these jobs could cost Greater Cleveland an estimated \$128 million, further eroding our regional and state tax base and endangering money for vital services, such as police and fire protection throughout Northeast Ohio; and

Whereas, Cleveland is one of the nation's preeminent financial service centers, home to the headquarters of several large commercial banks and the regional Federal Reserve, and perfectly situated for the work done at the Cleveland DFAS and should be able to provide this important service well into the future; and

Whereas, the United States Department of Defense has recommended to the Base Closure and Realignment Commission that 1,028 jobs currently performed by the Cleveland Defense Finance and Accounting Service in the Anthony

Celebrezze Building be relocated to other cities; and

Whereas the Cleveland Defense Industry Alliance has announced its intentions to work with community partners, including Cleveland City Council, to fight this recommendation and reverse this decision before the Base Realignment and Closure Commission forwards its recommendations to President Bush in September 2005; 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 urges the United States Department of Defense and the Defense Finance & Accounting Services office (DFAS) to retain important federal defense jobs in Cleveland and supports and encourages the Cleveland Defense Industry Alliance and the Greater Cleveland Partnership in its advocacy efforts to preserve the region's economic vitality by encouraging the retention of these jobs.

Section 2. That this Council further commits its support and assistance to the Cleveland Defense Industry Alliance in its efforts to reverse the Defense Department's recommendation to close Cleveland's DFAS office.

Section 3. That the Clerk is hereby directed to transmit copies of this resolution to President George W. Bush, Congressional Representatives Tubbs-Jones, Kucinich, LaTourette, Senators DeWine and Voinovich, the appropriate representatives from the U.S. Department of Defense and the Base Realignment and Closure Commission, and the members of the Cleveland Defense Industry Alliance.

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

Adopted May 16, 2005.

Effective May 20, 2005.

Res. No. 984-05.**By Council Members Conwell and Coats.****An emergency resolution urging the Ohio Senate to preserve parent coverage Medicaid at one hundred percent (100%) of federal poverty level and to fully preserve the Disability Medical Assistance program.**

Whereas, Medicaid and Disability Medical Assistance are publicly funded, publicly accountable health care programs providing comprehensive services to low income individuals who meet specific categorical requirements; and

Whereas, Medicaid is a state and federal partnership program and the State of Ohio receives matching federal dollars for every State of Ohio dollar expended on Medicaid programs; and

Whereas, Disability Medical Assistance is funded by the State of Ohio; and

Whereas, cuts to Medicaid and the proposed elimination of the Disabil-

ity Medical Assistance program, as proposed by Governor Taft and passed by the Ohio House, will eliminate health care coverage for working parents, eliminate physician care and medications for indigent Ohioans; and limit access to needed dental services; and

Whereas, these proposals make access to medical care more difficult for the poor; and

Whereas, low income wage earners are unable to afford health insurance and the proposed cuts to Medicaid and the elimination of the Disability Medical Assistance program will result in delayed health care; and

Whereas, delayed health care results in increased hospital emergency room visits and increased medical complications; and

Whereas, the proposed cuts in Medicaid and the elimination of Disability Medical Assistance will significantly impact the lives of people living and working in Cleveland; 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 the Ohio Senate to preserve parent coverage Medicaid at one hundred percent (100%) of the federal poverty level and to fully preserve the Disability Medical Assistance program.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft and those members of the Ohio Senate representing residents of the City of Cleveland.

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

Adopted May 16, 2005.
Effective May 20, 2005.

Ord. No. 67-04.
By Council Members Jones, Gordon, Sweeney, Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the East 176th Street new housing development project; and authorizing the Directors of Community Development, Public Service or Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the East 176th Street new housing development project, for the Departments of Community Development, Public Service or Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Directors of Community Development, Public Service or Public Utilities are each authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 14 SF 030, 52 SF 001, 52 SF 002, 52 SF 003, 20 SF 363, 20 SF 372, 20 SF 379, and 20 SF 393, Request No. 125754.

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

Passed May 16, 2005.
Effective May 20, 2005.

Ord. No. 290-05.
By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Barber Avenue and West 20th Street to Israel Colon or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-023 as more fully described below, to Israel Colon or designee.

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

P. P. No. 007-23-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Sublots Nos. 12, 13 and 14 in Barber and McCrosky's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, Said part of Sublot No. 27 is bounded and described as follows:

Beginning at the Southeasterly corner of said Sublot No. 27, said point being also the intersection of the Northerly line of Barber Avenue, S.W. with the Westerly line of West 30th Street (formerly Mill Street), thence Westerly along the Northerly line of Barber Avenue, S.W., 50 feet to a point therein; thence Northerly at right angles to said Northerly line of Barber Avenue, S.W. to a point in the Westerly line of West 30th Street; thence Southerly along the Westerly line of West 30th Street to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-024 as more fully described below to Israel Colon or designee.

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

P. P. No. 007-23-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 50 feet of the Westerly 55 feet of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Barber Avenue, S.W. and extending back at right angles therewith between parallel lines to the Southeasterly line of Joy Court, S.W., (16 feet wide) and to the Southwesterly line of West 30th Street (50 feet wide) and having an irregular rear line, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-026 as more fully described below, to Israel Colon or designee.

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

P. P. No. 007-23-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet front of Sublot No. 25 in McGregor and Rhodes Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W. at its point of intersection with the Westerly line of a 10 foot alley which point is also the Southeasterly corner of Sublot No. 25; thence Northerly along the Easterly line of said Sublot No. 25 and the Westerly line of said alley 120 feet to a point; thence Northwesterly along the Northeasterly line of said Sublot to a point in the Southerly line of Joy Alley (16 feet wide) thence Westerly along the Northerly line of said Sublot and the Southerly line of Joy Alley 25 feet to a point 10 feet Easterly from the Westerly line of said Sublot; thence Southerly parallel to the Westerly line of said Sublot 125 feet to a point in the Northerly line of Barber Avenue S.W. 10 feet Easterly from the Westerly line of said Sublot; thence Easterly along the Northerly line of Barber Avenue S.W. 30 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-031 as more fully described, to Israel Colon or designee.

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

P. P. No. 007-23-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 22 in the McGregor and Rhodes Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W., at a point distant 26 feet Easterly measured along said Northerly line from the Southwesterly corner of said Sublot No. 22; thence Westerly along the Northerly line of Barber Avenue, S.W., 24 feet; thence Northerly 125 feet to the Northwesterly corner of Sublot No. 22; thence Easterly along the Southerly line of Joy Court, S.W., about 25 feet 6 inches to the Northwesterly corner of land conveyed to Josephine W. Geraldine by deed recorded in Volume 2873, Page 634; thence Southerly in a direct line, 125 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-032 as more fully described below, to Israel Colon or designee.

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

P. P. No. 007-23-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 21 and 22 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point 2 feet East of the Southeasterly corner of said Sublot No. 21 on Barber Avenue, S.W., thence Northerly 125 feet to a point in the Northerly line of said Sublot No. 21, 6 inches Westerly of the Northeasterly corner of said lot; thence Westerly along said line, 32 feet to the Northeasterly corner of land conveyed to William Meyers; thence Southerly along said Meyer's Easterly line, 125 feet to the Northerly line of Barber Avenue, S.E., thence Easterly along the Northerly line of said Barber Avenue, S.W., 32 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-23-033 as more fully described below, to Israel Colon or designee.

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

P. P. No. 007-23-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 20 and 21 in A.M. McGregor's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Barber Avenue, S.W., distant 60 feet Easterly from its intersection with the Easterly line of West 32nd Place (formerly Bohn Court); thence Easterly along the Northerly line of Barber Avenue, 30 feet; thence Northerly, parallel with the Easterly line of West 32nd Place, about 125 feet to the Northerly line of Sublot No. 21, thence Westerly along the Northerly line of Sublot Nos. 21 and 20, which is also the Southerly line of Joy Court, S.W., 30 feet thence Southerly about 125 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-03-057 as more fully described below, to Israel Colon or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-03-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly 133 feet of Sublot No. 319 in the Willeyville Allotment of part of Original Brooklyn Township Lot Nos. 69 and 70 as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 20th Street (formerly Tracy Street), and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-03-058 as more fully described below, to Israel Colon or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-03-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly part of Sublot No. 319 in the Willeyville Allotment of part of Original Brooklyn Township Lots Nos. 69 and 70, as shown by the recorded plat in Volume 2 of Maps, Page 16 of Cuyahoga County Records, and being 33 feet front on the Easterly side of West 20th Street, (formerly Tracy Street), and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. 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 18. 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 19. 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 20. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed May 16, 2005.
Effective May 20, 2005.

Ord. No. 716-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligible administrative costs to community development corporations for implementation of the Storefront Renovation Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligible administrative costs to community development corporations for implementation of the Storefront Renovation Program. The agreements shall not exceed \$900,000.00 and shall be paid from Fund No. 14 SF 031, Request Nos. 125791.

Section 2. That the Director of Community Development is authorized to accept program income monies in repayment from local development corporations under the Storefront Renovation Program and to utilize this program income, other Community Development Block Grant program income and Kiosk program income in a revolving fund for additional expenditures under the Storefront Renovation Program, and such program income is hereby appropriated for that purpose.

Section 3. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans, costs and fees under the City's Storefront Renovation Program.

Section 4. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Storefront Renovation Program.

Section 5. That the Director of Community Development is authorized to collect from persons or entities with whom the City is entering into loan agreements or forbearance agreements an amount equal to any amount spent for services related to such agreements, such as title searches, credit bureau reports and document filing fees. Such fees shall be deposited into Fund No. 14.

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 May 16, 2005.
Effective May 20, 2005.

Ord. No. 721-05.
By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the issuance and sale of Bonds in the maximum principal amount of \$7,180,000 for the purpose of providing funds for Residential and Neighborhood Development; and the issuance of notes in anticipation of those Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Seven Million One Hundred Eighty Thousand Dollars (\$7,180,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of bonds to be contained in ordinances authorizing their issuance (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, 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. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Seven Million One Hundred Eighty Thousand Dollars (\$7,180,000) for the purpose of providing funds for public improvements of streets and municipal properties and easements in residential neighborhoods by opening, widening, grading, draining, curbing and paving designated streets, constructing sidewalks, curbs and gutters and driveway approaches, installing storm and sanitary sewers, water lines and storm drainage facilities where necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate and to pay capitalized interest and all expenses incurred in connection with issuance of the bonds, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise

permitted by law; and to authorize the issuance of notes in anticipation of the Bonds.

Section 2. Authority and Terms.
The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Residential and Neighborhood Development Bonds, Series 2005". The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of June 1, 2005, or such other date, but in no event later than December 31, 2005, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on June 1 and December 1 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning December 1, 2005 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on December 1 in no more than twenty (20) substantially equal annual installments, beginning December 1, 2006, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than June 1, 2006 and no later than December 1, 2006, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates

(the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order

directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, at the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date, provided the first optional redemption date shall not be later than December 1, 2015 and the highest redemption price shall not be greater than 102%. The Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing and unredeemed portion

of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are

held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will not apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 721-05-A. The Agreement is approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the

Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City

action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co., LLC (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of either Government Capital Management, LLC or Columbia Equity Financial Corporation or both (the "Financial Advisor"), and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As permitted under the Charter, the Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized and directed to sign and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth

the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, he is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. He is authorized to sign on behalf of the City and in his official capacity, that Official Statement and any supplements approved by such officer. He is authorized to sign and deliver, on behalf of the City and in his official capacity, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in his judgment, be necessary or appropriate. He is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the Financial Advisor and legal counsel.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2005A" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on the m shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemp-

tion, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Seven Million One Hundred Eighty Thousand Dollars (\$7,180,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes.

The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes, Series 2005"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be

payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all

cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2005A". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co., LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are out-

standing there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. 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 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections

141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclu-

sion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Bond Insurance and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of the Financial Advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those 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 21. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. 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 22. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 23. Severability. 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 24. Legislative Intent. 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.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 25. Emergency Measure. 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 funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City 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.

Passed May 16, 2005.
Effective May 17, 2005.

Ord. No. 722-05.
By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the issuance of unvoted general obligation Bonds in the maximum principal amount of \$7,540,000 for the purpose of providing funds to improve Public Service Facilities and the issuance of notes in anticipation of those Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Seven Million Five Hundred Forty Thousand Dollars (\$7,540,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of bonds to be contained in ordinances authorizing their issuance (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, 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. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Seven Million Five Hundred Forty Thousand Dollars (\$7,540,000) for the purpose of demolishing, constructing, renovating, rehabilitating, relocating, furnishing, equipping and otherwise improving, safety facilities, vehicle and equipment maintenance facilities, fire stations, service stations, facilities for various City Departments, street maintenance facilities, waste collection facilities, East Side Market facilities, West Side Market facilities, buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, and together with all appurtenances necessary and incidental thereto, and to pay the costs of acquiring any necessary interests in real estate therefor together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto,

and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of those permanent improvements as may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of the Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Public Service Facilities Improvement Bonds, Series 2005." The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of June 1, 2005, or such other date, but in no event later than December 31, 2005, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on June 1 and December 1 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning December 1, 2005 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on December 1 in no more than twenty (20) substantially equal annual installments, beginning December 1, 2006, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than June 1, 2006 and no later than December 1, 2006, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking

Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, at the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date, provided the first optional redemption date shall not be later than December 1, 2015 and the highest redemption price shall not be greater than 102%. The Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (1) for payment of the redemption price of the \$5,000 unit or units called for

redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed

to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will not apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 722-05-A. The Agreement is ap-

proved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that

those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository

and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co., LLC (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of either Government Capital Management, LLC or Columbia Equity Financial Corporation or both (the "Financial Advisor"), and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As permitted under the Charter, the Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps neces-

sary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized and directed to sign and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, he is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. He is authorized to sign on behalf of the City and in his official capacity, that Official Statement and any supplements approved by such officer. He is authorized to sign and deliver, on behalf of the City and in his official capacity, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in his judgment, be necessary or appropriate. He is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the

continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the Financial Advisor and legal counsel.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2005A" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials,

pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment

dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpayment of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Seven Million Five Hundred Forty Thousand Dollars (\$7,540,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes.

The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two

(2) years following the date of issuance of the Notes; shall be designated "Public Service Facilities Improvement Bond Anticipation Notes, Series 2005"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomi-

nation or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2005A". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co., LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the

Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. 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 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer,

(b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Bond Insurance and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of the Financial Advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those 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 21. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes.

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 22. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 23. Severability. 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 24. Legislative Intent. 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.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 25. Emergency Measure. 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 funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City 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.

Passed May 16, 2005.

Effective May 17, 2005.

Ord. No. 808-05.**By Council Member Jackson (by departmental request).****An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

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 pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Public Safety Department - Police				
King, Bishop	11749	\$ 500.00	Police	01-600202-672000
Murry, Dolline	11764	40.00	Police	01-600202-672000
Torres, Guillermo	11767	1,453.13	Police	01-600202-672000
Rice, Debra	11768	424.98	Police	01-600202-672000
Wessel, Bobbie	11770	500.00	Police	01-600202-672000
Weathers, Charles	11771	250.00	Police	01-600202-672000
Johnson, Bernice	11780	1,000.00	Police	01-600202-672000
Vega, Hector	11793	250.00	Police	01-600202-672000
Newbecker, Ricki M.	11782	200.00	Police	01-600202-672000
Pruitt, Edna	11787	275.00	Police	01-600202-672000
Davis, James R.	11765	\$ 730.00	Police Impound	01-600202-672000
Amujiogu, Basil	11766	137.76	Police Impound	01-600202-672000
Parrott David, B.	11776	67.50	Police Impound	01-600202-672000
Cox, Michael, Jr.	11783	1,438.60	Police Impound	01-600202-672000
Jackson, Denise	11795	256.56	Police Impound	01-600202-672000
Public Safety Department - Emergency Medical Services				
Jimenez, Angelic	11788	\$ 500.00	EMS	01-600402-672000
Kalman, Helen	11790	500.00	EMS	01-600402-672000
Public Safety Department - Fire				
Bloam, Todd	11791	\$ 500.00	Fire	01-600302-672000
Department of Parks, Recreation and Property - Cemeteries				
Sharp, Robert F.	11639	\$ 875.00	Cemeteries	62 SF 001
Department of Parks, Recreation and Property - Park Maintenance				
Bill, Sophia	11761	\$ 250.00	Park Maintenance	01-701205-672000
Moran, Danielle L.	11779	478.76	Park Maintenance	01-701205-672000
Weathers, Cheryl c/o Weathers, Francis	11781	250.00	Park Maintenance	01-701205-672000
Department of Parks, Recreation and Property - Vacant Lots				
Wolf, Alaina	11762	\$ 250.00	Vacant Lots	01-701205-672000
Stowe, Vicky	11775	100.00	Vacant Lots	01-701205-672000
Dryden, Norma	11785	500.00	Vacant Lots	01-701205-672000
Engineering and Construction				
Swecker, Ralph Jr.	11769	\$ 317.68	Safety Signals	01-600104-672000
Zeller, Martin J.	11792	190.00	Safety Signals	01-600104-672000
Traffic and Engineering				
Pfaff, Richard	03428	\$19,043.28	Div. of Traffic -Eng.	01-400700-672000
Department of Public Services - Waste				
Dobrowski, Kathy	11778	\$ 30.00	Waste Collection	01-400303-672000
Department of Public Utilities - Water				
Parsh, Frank	03454	\$ 350.00	WPC	52 SF 001

Section 2. That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.**Section 3.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 16, 2005.

Effective May 20, 2005.

Ord. No. 809-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a mail system, for the Division of Printing and Reproduction, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install a mail system to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Printing and Reproduction, Department of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 157036.

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

Passed May 16, 2005.
 Effective May 20, 2005.

Ord. No. 844-05.
By Council Members Johnson, Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Port Control to enter into an amendment to the Mather Museum lease with the Harbor Heritage Society to relocate the Steamship William G. Museum from East 9th Street to Dock 32.

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

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

Section 1. That the Directors of Parks, Recreation and Properties and Port Control are authorized to enter into an amendment to the Mather Museum lease with the Harbor Heritage Society to relocate the Steamship William G. Mather Museum from East 9th Street to Dock 32.

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

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

Passed May 16, 2005.
 Effective May 20, 2005.

Ord. No. 856-05.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Section 2. That the cost of the contracts must be in an amount not to exceed \$2,461,000.00, and will be paid from Fund No. 14 SF 031, Request No. 125792.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial and real estate development activities, and the program income is hereby appropriated for those purposes.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

Section 5. That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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 May 16, 2005.
 Effective May 20, 2005.

Ord. No. 859-05.
By Council Members Cimperman, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Wimbledon Investments, LLC to provide economic development assistance to partially finance exterior leasehold improvements, including construction, renovation, and site improvements, and to assist with architectural and engineering fees for the property located at 2179 West 11th Street, and all other associated costs necessary for the improvements.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Wimbledon Investments, LLC, to provide economic development assistance to partially finance exterior or leasehold improvements, including construction, renovation, and site improvements, and to assist with architectural and engineering fees for the property located at 2179 West 11th Street, and all other associated costs necessary for the improvements.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 859-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Fifty Thousand Dollars (\$50,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103646.

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

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

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

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

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

Passed May 16, 2005.
 Effective May 20, 2005.

Ord. No. 861-05.
By Council Members Polensek, Gordon, Cimperman, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cleveland-Cuyahoga County Port Authority, on behalf of Osborne Cap-

ital, Inc., or Neff Road Tops, LLC, to provide development assistance to partially finance the construction of a new Tops Market grocery store at 18501 Neff Road, and all other associated costs necessary to redevelop the property; and authorizing one or more agreements to implement the project.

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, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, the project has been approved; and

Whereas, Council desires to authorize the development assistance to the project which has been approved by the Department of Economic Development and 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 the Director of Economic Development is authorized to enter into contract with the Cleveland-Cuyahoga County Port Authority, on behalf of Osborne Capital, Inc., or Neff Road Tops, LLC to provide development assistance in the form of loans and a grant to partially finance the construction of a new Tops Market grocery store located at 18501 Neff Road, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loans and the grant shall be according to the terms set forth in the Summary contained in File No. 861-05-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 loans shall not exceed an aggregate amount of Two Million Five Hundred Thousand Dollars (\$2,500,000), and the cost of the grant shall not exceed an amount of Three Hundred Seventy-Five Thousand Dollars (\$375,000). The loans and grant shall be paid from Fund Nos. 17 SF 008, 10 SF 541, and 10 SF 552, which funds are appropriated for this purpose, Request No. 103647.

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 loans. 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 loans and to deposit the monies in Fund Nos. 10 SF 006, 10 SF 542, and 10 SF 553.

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 loans. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Economic Development is authorized to enter into one or more agreements with various entities to effectuate the transactions authorized by this ordinance.

Section 8. That the contracts and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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 May 16, 2005.
Effective May 17, 2005.

Ord. No. 903-05.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the U.S. Department of Health and Human Services for the Moms First Program; and authorizing contracts with various entities to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate of \$8,000,000, and any other funds that may become available during the grant term from the U.S. Department of Health and Human Services to conduct the Moms First Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 903-05-A made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed

without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with various entities for implementation of the program, as described in the file, and that the contracts are payable from the fund or funds to which are credited the grant proceeds accepted under 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 May 16, 2005.
Effective May 20, 2005.

Ord. No. 972-05.

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

An emergency ordinance to amend Sections 2, 3 and 5 of Ordinance No. 476-05, passed April 4, 2005, relating to a contract with Lakeview Square I, Ltd., to provide development assistance to finance the acquisition of real property at 11905 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 Sections 2, 3 and 5 of Ordinance No. 476-05, passed April 4, 2005, are amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 476-05-B, 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 Million Four Hundred Thousand Dollars (\$1,400,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103645.

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

Section 2. That existing Sections 2, 3 and 5 of Ordinance No. 476-05, passed April 4, 2005, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed May 16, 2005.

Effective May 20, 2005.

Ord. No. 974-05.

By Council Member Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Neighborhood Development Corporation for the Community Partnership Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Neighborhood Development Corporation for the Community Partnership Program for the public purpose of promoting stability and sustainability of Cleveland neighborhoods through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$43,500 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 16, 2005.

Effective May 20, 2005.

Ord. No. 975-05.

By Council Member Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation for the Home Expo Program through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Northeastern Neighborhood

Development Corporation for the Home Expo Program for the public purpose of educating City of Cleveland residents on various home assistance programs that are available from local banking institutions and city programs through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 16, 2005.

Effective May 20, 2005.

Ord. No. 976-05.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Downtown Cleveland Partnership for the "Downtown Digs," A Guide to Living in Downtown Cleveland Project 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 Director of Economic Development is authorized to enter into an agreement with Downtown Cleveland Partnership for the "Downtown Digs," A Guide to Living in Downtown Cleveland Project for the public purpose of increasing residential growth opportunities for City residents in downtown Cleveland through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,000 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.

Passed May 16, 2005.

Effective May 20, 2005.

Ord. No. 978-05.

By Council Members Zone, Cimperman, Gordon, Brady and Sweeney.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 662-05 passed April 11, 2005 as it pertains to the Westside Leadership Collaborative of Cleveland Program through the use of Ward 13, 15, 17, 19 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 the Title and Sections 1 and 2 of Ordinance No. 662-05 passed April 11, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for the Westside Leadership Collaborative of Cleveland Program through the use of Wards 13, 15, 17, 19 and 20 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for the Westside Leadership Collaborative of Cleveland Program for the public purpose of providing leadership training to Cleveland residents in community building initiatives through the use of Wards 13, 15, 17, 19 and 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$3,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 662-05 passed April 11, 2005 are hereby repealed

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

Passed May 16, 2005.

Effective May 20, 2005.

Ord. No. 979-05.

By Council Member Lewis.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the East 97th Street Bulldogs for a Football Youth Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is

authorized to enter into an agreement with the East 97th Street Bulldogs for a Football Youth Program for the public purpose of providing organized recreational sports activities for Cleveland youth through Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,200 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 16, 2005.
Effective May 20, 2005.

Ord. No. 980-05.

By Council Member Cimperman.
An emergency ordinance to amend Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1052-A-80 passed January 12, 1981, relating to towing, storage and disposition agreements.

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

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

Section 1. That Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1052-A-80 passed January 12, 1981, is hereby amended to read as follows:

Section 135.42 Towing, Storage and Disposition Agreements

The Director of Public Safety shall not enter into agreements with any of the following: tow truck owners for the towing of motor vehicles; motor vehicle salvage dealers (as defined in RC 4738.01) or scrap metal processors (as defined in RC 4737.05) for the towing of abandoned junk motor vehicles; motor vehicle storage services for the Division of Police; and motor vehicle salvage dealers or scrap metal processing facilities for the disposition of abandoned motor vehicles and of abandoned junk motor vehicles, without prior authorizing ordinance of Council.

Section 2. That existing Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1052-A-80 passed January 12, 1981 is hereby repealed.

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

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

Passed May 16, 2005.
Effective May 20, 2005.

Ord. No. 982-05.

By Council Member Pierce Scott.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 8. (Shaun Drake.)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 8; and

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

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

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 8: Shaun Drake.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

Passed May 16, 2005.
Effective May 20, 2005.

Ord. No. 985-05.

By Council Member Lewis.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Zion/McCreary Center to stretch a banner at East 71st Street for the period from June 1, 2005 to June 20, 2005, inclusive, publicizing the church carnival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Mt. Zion/McCreary Center to install, maintain and remove a banner at East 71st Street, for the period from June 1, 2005 to June 20, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 16, 2005.
Effective May 20, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, May 23, 2005

9:30 a.m.

Public Parks, Property & Recreation Committee: Present: Johnson, Chair; White, Vice Chair; Cimperman, Dolan, Rybka, Sweeney. *Authorized Absence:* Jones.

11:00 a.m.

Public Service Committee: Present: Sweeney, Chair; Polensek, Kelley, Zone, Cimperman, Brady, Johnson, White. *Authorized Absence:* Jones, Vice Chair.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Cimperman, Reed, Westbrook, White, Gordon, Pierce Scott. *Pro tempore:* Lewis.

Wednesday, May 25, 2005

1:30 p.m.

Public Utilities Committee: Present: Coats, Chair; Brady, Vice Chair; Kelley, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Cintron, Jones.

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O—Ordinance; R—Resolution; F—File
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