

The City Record

Official Publication of the Council of the City of Cleveland



December the Seventeenth, Two Thousand and Three

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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PRESORTED STANDARD
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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell
Debra M. Janik, Chief of Staff
David M. McGuirk, Executive Assistant
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Henry Guzman, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

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Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciacchia, Jr., Commissioner
Water Pollution Control – Darnell Brown, Commissioner

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

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

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Ave.
DIVISIONS: Air Quality – Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – James A. Draper, Director, Room 230
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohn, 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 – Linda M. Hudecek, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Emanuella Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

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

The City Record

OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, DECEMBER 17, 2003

No. 4697

CITY COUNCIL

MONDAY, DECEMBER 15, 2003

The City Record

Published weekly under authority
of the Charter of the
City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated
\$6.25 per month
Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, December 15, 2003

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

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

Also present were Mayor Campbell, Chief of Staff Janik and Directors Chandra, Konicek, Mok, Draper, N. Ronayne, Hudecek, Williams, Routen, Fumich, Taylor, Sims, C. Ronayne, Johnson, and Guzman, Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Elder Jamber Bannerman of Greater Prayer Tower Church, located at 2606 Martin Luther King Boulevard, Cleveland, Ohio 44105 in Ward 6. Pledge of Allegiance.

MOTION

On the motion of Council Member Westbrook, the reading of the minutes of the last meeting was dis-

pensed with and the journal approved. Seconded by Council Member Sweeney.

COMMUNICATIONS

File No. 2094-03-A.

From the Department of Law — Estimated Assessment for the Cleveland Theater District Business Improvement District as authorized by Resolution No. 2094-03. Received.

File No. 2468-03.

From the Purchases and Supplies Division re: Mayor's Emergency Requisition/Purchase Orders, Purchase and Installation of Boiler for Fire Station #36 & Re-Aerial Ladder Truck Addition. Received.

File No. 2469-03.

From the Ohio Department of Transportation — copy of Executed Co-operative contract, Project No. 5(03), West 65th Street between the City of Cleveland and ODOT. Received.

File No. 2470-03.

From Congresswoman Stephanie Tubbs Jones — News Letter. Received.

File No. 2471-03.

From MidTown Cleveland, Inc. — copy of Momentum, Issue 3. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2472-03.

Re: New Application — 6367868 — New York Style Pizza, Inc., d.b.a. New York Style Pizza, 15233 Triskett Road. (Ward 21). Received.

File No. 2473-03.

Re: New Application — 9116308 — 1231 Main LLC, d.b.a. McCarthy's Ale House, 1231 Main Street, lower level. (Ward 13). Received.

File No. 2474-03.

Re: Transfer of Ownership Application — 8871268 — Thinema Group LTD, d.b.a. Duck Island Club, 2102 Freeman Avenue, first floor. (Ward 14). Received.

File No. 2475-03.

Re: Transfer of Ownership Application — 1879570 — D. B. Ohio Enterprises, Inc., d.b.a. Grandpa's Kitchen, 1905 East 55th Street. (Ward 7). Received.

File No. 2476-03.

Re: Transfer of Ownership Application — 6152859 — Morgan Enterprises LLC, d.b.a. Moriarity's Bar, 1912 East 6th Street. (Ward 13). Received.

File No. 2477-03.

Re: Transfer of Ownership and Location Application — 0348229 — BHB Abeer, Inc., d.b.a. Professor Market, 2233 Professor Avenue, first floor and basement. (Ward 13). Received.

File No. 2478-03.

Re: Transfer of Ownership and Location Application — 9116308 — 1231 Main LLC, d.b.a. McCarthy's Ale House, 1231 Main Street, lower level. (Ward 13). Received.

**STATEMENT OF WORK
ACCEPTED****File No. 2479-03.**

From the Department of Parks, Recreation and Properties re: Contract No. 60743, Mall B-Hanna Pavilion Electrical Improvements. Received.

File No. 2480-03.

From the Department of Parks, Recreation and Properties re: Contract No. 58374, New Cleveland Memorial Gardens Maintenance Building Project. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2481-03—Floyd Pinkney.

Res. No. 2482-03 — Lillie Mae Wynn.

Res. No. 2483-03 — Nathan Jefferson.

Res. No. 2484-03 — Rosa Romeo Koenig.

Res. No. 2485-03—Alice Bass.

CONGRATULATION RESOLUTIONS

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

Res. No. 2486-03—Villa Angela — St. Joseph High School Vikings Football Team.

Res. No. 2487-03 — Elder Della Skipper Ray.

Res. No. 2488-03 — Rev. Theodore R. Hayes and Mrs. Malinda T. Hayes.

Res. No. 2489-03 — William A. Sanderson.

Res. No. 2490-03 — Vincent J. Rienzi.

Res. No. 2491-03 — Nicholas R. Frank.

RECOGNITION RESOLUTIONS

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

Res. No. 2492-03 — Brittany O'Connor.

Res. No. 2493-03 — Carrie Carpenter.

Res. No. 2494-03 — "God's Angels" Mentoring Program.

APPRECIATION RESOLUTIONS

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

Res. No. 2495-03—Henry Guzman.

Res. No. 2496-03 — Detective Earl Brown.

**FIRST READING EMERGENCY
ORDINANCES REFERRED****Ord. No. 2425-03.**

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

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

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

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

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

Section 2. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Datamatic. Therefore the Director of Public Utilities is authorized to make one or more written contracts with Datamatic on the basis of its proposal dated November 10, 2003, for automatic meter reading upgrades, equipment, and appurtenances, including hardware, and software necessary for the upgrade, and maintenance for a period of one year, to be purchased by the Commissioner of Purchases and Supplies, on a unit basis for the Division of Water, Department of Public Utilities.

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

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

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

Ord. No. 2426-03.

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

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

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Cognos Corporation for professional services necessary for the acquisition of one or more licenses for a financial information budgeting system and to upgrade and migrate the system, including but not limited to installation, design, training, testing, technical support, and software maintenance for a period of five years on the basis of its proposal dated November 24, 2003, in the total sum of \$148,053.35, for the Division of Water, Department of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. 143086.

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

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

Ord. No. 2427-03.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide a comprehensive financial plan for the years 2006 through 2010, including but not limited to cost of service studies and rate and fee analyses, for the Divisions of Water and Water Pollution Control.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide a comprehensive financial plan for the years 2006 through 2010, including but not limited to cost of service

studies and rate and fee analyses for the Divisions of Water and Water Pollution Control.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001 and 54 SF 001, Request No. 143090.

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

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

Ord. No. 2428-03.

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

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

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

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

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

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

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

Ord. No. 2429-03.

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

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

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

Section 2. That the cost of said contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 142796.

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

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

Ord. No. 2430-03.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to develop a new customer information and billing system, including related services.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop a new customer information and billing system including but not limited to optimization, assessment, integration, program or project management, implementation, including system design development and deployment, preparation of specifications and requests for proposals, training, and technical support, and other related services.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 143091.

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

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

Ord. No. 2431-03.

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

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

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept a grant in the amount of \$20,000, from American Public Power Association to conduct the Case Western Reserve University North Residential Village Com-

bined Cooling and Heating Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and grant agreement for the grant contained in the file described below.

Section 2. That the award letter and grant agreement for the grant, File No. 2431-03-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Utilities is authorized to enter into one or more contracts with Case Western Reserve University to implement the program as described in the file.

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. 2432-03.

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

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

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the extension of Runway 6R-24L at Cleveland Hopkins International Airport.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport

revenue bonds issued for a purpose which includes the above project, Request No. 146047.

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

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

Ord. No. 2433-03.

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

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

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 6 of Ordinance No. 482-02, passed May 13, 2002, is amended to read as follows:

Section 6. That the cost of the improvement and services authorized shall be paid from Fund Nos. 10 SF 166, 11 SF 006, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 52 SF 001, 54 SF 001, 58 SF 001, from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued in 2002 authorized for this purpose, from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and are appropriated for this purpose, and from the fund or funds to which are credited the proceeds of the Ohio Public Works Commission grant authorized by Ordinance No. 1857-01.

Section 2. That existing Section 6 of Ordinance No. 482-02, passed May 13, 2002, is repealed.

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

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

Ord. No. 2435-03.

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 STEP 2004 Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$56,250.00, from the Ohio Department of Public Safety, to conduct the STEP 2004 Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2435-03-A, made a part as if fully rewritten, is approved in all respects.

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

Section 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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2436-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Cuyahoga County Department of Justice Affairs for the Program Rehabilitation and Restitution Program, Ohio Second Chance Program, for Workforce Development.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$45,000, from Cuyahoga County Department of Justice Affairs to conduct the Program Rehabilitation and Restitution Program, Ohio Second Chance Program, for Workforce Development; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, File No. 2436-03-A, made a part of this ordinance as if fully rewritten, 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 2437-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a loan from the Cuyahoga County Brownfield Redevelopment Fund to partially finance the acquisition, redevelopment, and environmental remediation of property located at 3781 East 77th Street; authorizing the Commissioner of Purchases and Supplies to purchase the property; authorizing the Director to enter into a contract with General Investment Funds Real Estate Holding Company to provide economic development assistance to partially finance the acquisition, redevelopment, and environmental remediation of the property located at 3781 East 77th Street and all other associated costs to redevelop the property; and authorizing the Commissioner of Purchases and Supplies to convey the property to General Investment Funds Real Estate Holding Company.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a loan from the Cuyahoga County Brownfield Redevelopment Fund ("CCBRF") in an amount not to exceed \$1,000,000 to partially finance the acquisition, redevelopment, and environmental remediation of property located at 3781 East 77th Street.

Section 2. That the Director of Economic Development is authorized to enter into a loan agreement with Cuyahoga County for the loan described above, which loan agreement shall contain the terms set forth in File No. 2437-03-A, and shall contain any additional terms that the Director of Law deems necessary to protect and benefit the public interest. The Director of Economic Development is further authorized to file all papers and execute all documents necessary to receive the funds under the loan agreement, and the loan funds are appropriated for the purposes contained in the loan agreement.

Section 3. That on execution of the loan agreement, the Director of Economic Development is authorized to repay the loan funds to the CCBRF under the terms and conditions of the loan agreement, from the fund or funds designated for that purpose and appropriated for that use.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to

purchase the following described property located at 3781 East 77th Street for future redevelopment:

3781 East 77th Street

Parts of Original One Hundred Acre Lots Nos. 315, 319, 447 and 455, and bounded and described as follows:

Beginning on the Northerly line of Marble Avenue S.E., at its intersection with the Northwesterly line of East 78th Street;

Thence Westerly along said Northerly line of Marble Avenue, S.E., about 453.52 feet to its intersection with the Easterly line of East 77th Street;

Thence Northerly along the Easterly line of said East 77th Street, about 600 feet to its intersection with the Southerly line of Osage Avenue, S.E.;

Thence Easterly along said Southerly line of Osage Avenue, S.E., about 66.25 feet to an angle therein;

Thence Easterly continuing along said Southerly line of Osage Avenue, S.E., about 78.26 feet to an angle therein;

Thence Easterly and continuing along said Southerly line of Osage Avenue, S.E., about 307.40 feet to its intersection with the Southwesterly line of said East 78th Street;

Thence Southeasterly along said Southwesterly line of East 78th Street, about 374.60 feet to an angle therein;

Thence Southwesterly along the Northwesterly line of said East 78th Street, about 275.18 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 5. That the Director of Economic Development is authorized to enter into a loan agreement with General Investment Funds Real Estate Holding Company ("General Investment") to provide economic development assistance to partially finance the acquisition, redevelopment, and environmental remediation of the property located at 3781 East 77th Street, and all other associated costs to redevelop the property located in Cleveland, Ohio.

Section 6. That the terms of the loan shall be according to the terms set forth in the summary contained in the file referenced above.

Section 7. That the Director of Economic Development is authorized to accept the collateral as set forth in the summary contained in the file referenced above in order to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 8. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006. The monies are appropriated for the purpose of repaying the CCBRF referenced in this ordinance.

Section 9. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal

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

Section 10. That the Director of Law is authorized to prepare the loan agreement and other documents that are appropriate to complete the transaction.

Section 11. That the Director of Economic Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with General Investment, for the acquisition, disposition, and private redevelopment of the property described above.

Section 12. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above to General Investment at a price to be determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 13. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such necessary provisions, including any restrictive reversionary interests as may be specified by the Board of Control or Director of Law, to protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 14. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents and agreements to acquire, remediate, and convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and environmental remediation, and all other costs necessary for the acquisition and remediation of the property.

Section 15. That the costs for the loan to General Investment, acquisition, redevelopment, and environmental property remediation shall be paid from the fund or funds which are credited the proceeds of the Cuyahoga County Brownfield Redevelopment Fund loan accepted under this ordinance.

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

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

Ord. No. 2438-03.
By Council Members Johnson, Gordon, Cimperman, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 59699 with Second Growth Institute, and authorizing the Director of Parks, Recreation and Properties to acquire certain real property in consideration of the amendment.

Whereas, in consideration for the City's agreement to amend the terms of Contract No. 59699, Second Growth Institute ("Second Growth") has agreed to transfer certain real property to the City which property is necessary for a public purpose; 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 an amendment to Contract No. 59699 with Second Growth Institute to forgive the balance of the loan and terminate the contract in consideration for Second Growth agreeing to transfer certain real property, described below, to the City.

Section 2. That the Director of Parks, Recreation and Properties is authorized to acquire from Second Growth, the following described real property:

Permanent Parcel Nos. 115-17-035
 and 115-17-007

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Euclid Township Lot No. 2, Tract No. 10, and Sublots Nos. 16, 17 and 18 in Ben Gray's Subdivision of part of Original Euclid Township Lots Nos. 1 and 2, Tract No. 10, as shown by the recorded plat in Volume 18 of Maps, Page 9 of Cuyahoga County Records, and Sublot No. 49 in The Ambler Realty Company's East 147th Street Allotment, of part of Original Euclid Township Lots Nos. 1 and 2, Tract No. 10, as shown by the recorded plat in Volume 52 of Maps, Page 23 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Easterly line of said Original Euclid Township Lot No. 2, which is also the centerline of East 152nd Street, (formerly Colamer Street), 60 feet wide, at the Southeast corner of a parcel of land conveyed to Manuel Halle, by deed dated February 3, 1872 and recorded in Volume 198, Page 285 of Cuyahoga County Records;

Thence South 0° 00' 10" West along said center line of East 152nd Street 132.80 feet to its intersection with the Southeasterly line of Cowles and Stark's Subdivision of part of Original Euclid Township Lots Nos. 1, 2, 42 and 43 as shown by the recorded plat in Volume 9 of Maps, Page 22 of Cuyahoga County Records;

Thence South 0° 19' 00" West along said center line of East 152nd Street, 519.26 feet to the Northeast-

erly corner of a parcel of land conveyed to The Ohio Bronze Powder Co., by deed dated April 1, 1915, and recorded in Volume 1763, Page 571 of Cuyahoga County Records;

Thence North 89° 41' 00" West along the Northerly line of said land conveyed to The Ohio Bronze Powder Co., 430.58 feet to the Northeast corner of a parcel of land conveyed to The New York, Chicago and St. Louis Railroad Company by deed dated September 8, 1914 and recorded in Volume 1612, Page 276 of Cuyahoga County Records;

Thence North 16° 42' 45" West along said Northeast corner of land conveyed to The New York, Chicago and St. Louis Railroad Company, 272.97 feet to the Southerly line of a parcel of land conveyed to The Cleveland Seating Co., by deed dated September 4, 1914 and recorded in Volume 1631, Page 435 of Cuyahoga County Records;

Thence North 89° 41' 00" West along said Southerly line of land conveyed to The Cleveland Seating Co., 35.56 feet to the Southwest corner of a parcel of land conveyed to William H. Carder and Rebecca J. Dawson, by deed dated March 24, 1892 and recorded in Volume 516, Page 325 of Cuyahoga County Records;

Thence South 16° 42' 45" East along said Southwest corner of land conveyed to William H. Carder and Rebecca J. Dawson, 20.75 feet to its intersection with the Northeast prolongation of the Southeasterly line of said Sublot No. 49, in said Ambler Realty Company's East 147th Street Allotment;

Thence South 73° 13' 10" West along said Northeast prolongation of said Southeasterly line of Sublot No. 49, and along said Southeasterly line of said Sublot No. 49, 81.01 feet to the Northeast corner of East 148th Street, (40 feet wide);

Thence North 16° 46' 50" West along said Northeast corner of East 148th Street, 40 feet to the Northwest corner of said Sublot No. 49;

Thence North 73° 13' 10" East along the Northwest corner of said Sublot No. 49 and along the Northeast prolongation thereof, 81.08 feet to the Southwest corner of said land conveyed to William H. Carder and Rebecca J. Dawson;

Thence North 16° 42' 45" West, along said Southwest corner of land conveyed to William H. Carder and Rebecca J. Dawson, 330.10 feet to the Northwest corner thereof;

Thence North 76° 17' 00" East along the Northwest corner of said land conveyed to William H. Carder and Rebecca J. Dawson, 133.07 feet to the Easterly line of East 149th Street (formerly Grays Court), 40 feet wide;

Thence North 9° 19' 00" West along said Easterly line of East 149th Street, 125.64 feet to the Northwest corner of said Sublot No. 16 in said Ben Gray's Subdivision;

Thence North 80° 41' 00" East along the Northerly line of said Sublot No. 16, 97.90 feet to the Northeast corner thereof;

Thence South 7° 02' 05" East along the Easterly line of Sublots Nos. 16, 17 and 18, 118.56 feet to the Northerly line of said land conveyed to William H. Carder and Rebecca J. Dawson;

Thence South 89° 57' 50" East along said Northerly line of land conveyed to William H. Carder and Rebecca J. Dawson, 427.90 to the place of beginning and containing 8.4295 acres of land, according to a survey dated January 11, 1957 by the National Survey Service, Inc., Civil Engineers and Surveyors, be the same more or less, but subject to the rights of the public in and to that portion of East 152nd Street, lying within the bounds of the above described parcel.

Section 3. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire title to the property described above from Second Growth for a public purpose.

Section 4. That the Director of Parks, Recreation and Properties is authorized to execute on behalf of the City all documents necessary to acquire title to the property and to employ and pay all fees for title companies, surveys, escrows, appraisals, and all other costs necessary to acquire the property.

Section 5. That all agreements and other documents authorized in this ordinance shall be prepared by the Director of Law and shall contain any necessary conditions or provisions that the Directors of Law, Economic Development, and Parks, Recreation and Properties deem necessary to protect and benefit the City of Cleveland.

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; Parks, Recreation, and Properties, City Planning Commission; Finance; Law; Committees on Community and Economic Development, City Planning Commission, Finance.

Ord. No. 2439-03.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Cuyahoga County Employment and Family Services for the Employment and Family Services Neighborhood Family Services Program, for Workforce Development; and authorizing an agreement with the County of Cuyahoga 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 Economic Development is authorized to apply for and accept a grant in the amount of \$95,000, from Cuyahoga County Employment and Family Services to conduct the Employment and Family Services Neighborhood Family Services Program, for Workforce Development;

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 draft agreement for the grant contained in the file described below.

Section 2. That the draft agreement for the grant, File No. 2439-03-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Economic Development is authorized to enter into an agreement with the County of Cuyahoga to implement the program as described in the file.

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, Finance.

Ord. No. 2440-03.

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

An emergency ordinance to amend Section 349.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, relating to permitted garages and parking space in residence districts.

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 349.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, is amended to read as follows:

Section 349.13 Permitted Garages and Parking Space in Residence Districts

(a) *Commercial Vehicles.* No commercial vehicle shall be stored on any premises in a Limited One-Family District and not more than one commercial vehicle weighing unloaded not more than one and one-half tons may be stored on any premises in any other Residence District unless for farming, truck gardening or a related and similar activity if a permitted accessory use of the premises.

(b) *Rented Space.* In a Residence District, space for two noncommercial motor vehicles may be rented to persons not residents on the same lot, provided such rented space is within the area in which accessory uses are permitted.

(c) *Parking Lots.* The Board of Zoning Appeals may permit, temporarily or permanently, the use of land in a Residence District, other than a Limited One-Family District, for a parking lot when the best interests of the community will be served, and provided that:

(1) The lot is to be used only for the parking of passenger automo-

biles of employees, customers or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.

(2) No charge is to be made for parking on the lot.

(3) The lot is not to be used for sales, repair work or servicing of any kind.

(4) Entrance to and exit from the lot are to be located so as to do the least harm to the Residence District.

(5) No advertising sign or material is to be located on the lot.

(6) All parking is to be kept back of the setback building line by barrier unless specifically authorized otherwise by the Board.

(7) The parking lot and that portion of the driveway back of the building line are to be adequately screened from the street and from adjoining property in a Residence District by a hedge, slightly fence or wall not less than four feet six inches high and not more than five feet high located back of the setback building line. All lighting is to be arranged so that there will be no glare that is annoying to the occupants of adjoining property in a Residence District, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained.

(8) Such other and further conditions may be imposed as the Board may deem necessary in any specific case to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located.

(d) *Public Parking Lots and One-Story Garages.* The Board may, after public notice and hearing and subject to appropriate conditions and safeguards, permit the location of a public parking lot or one-story public garage in a Residence District provided the Board finds there is need for such facility to serve the permitted uses in the District.

Section 2. That Section 349.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, 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 City Planning Commission, Finance, Law; Committees on City Planning, Legislation, Finance.

Ord. No. 2455-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at rear of Sagamore Avenue to Miller Bailey and Leola Bailey.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-003 (Southwesterly part of), as more fully described below, to Miller Bailey and Leola Bailey.

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

P. P. No. 118-09-003

(Southwesterly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block A in the G.M. Spanger's Subdivision, Volume 24, Page 22 and bounded and described as follows:

Commencing at a 1" iron pin found in a monument box found at the intersection of East 79th Street (50 feet wide) and Sagamore Avenue (40 feet wide) on the right of way of East 79th Street (50 feet wide),

Thence North 80° 27' 43" West, 154.85 feet to a point in the centerline of Sagamore Avenue (40 feet wide);

Thence North 09° 47' 52" East, a distance of 20 feet to a drill hole set on the North right-of-way of Sagamore Avenue (40 feet wide); Thence continuing on 66.74 feet the Southeast corner of Block A;

Thence North 80° 27' 43" West, a distance of 76.67 feet to the Northwest corner of Sublot No. 22 and being the place of beginning;

Thence North 80° 27' 43" West, a distance of 18.33 feet to a point being the Southern extension of the East line of Sublot No. 21;

Thence North 09° 47' 52" East, a distance of 43.74 feet to a point being the Northeast corner of Sublot No. 21;

Thence South 80° 47' 06" East a distance of 18.33 feet to a 5/8" iron pin set on the South property line of Parcel C;

Thence South 09° 47' 52" West, a distance of 43.74 feet to the place of beginning;

Containing 801.7542 square feet of 0.0184 acres and coinciding with the survey performing by Bemba K. Jones P.S. and Associates, Inc., State of Ohio Professional Surveyor, Registration No. 7343. Date of Survey, the 11th day of June 2003.

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. 2456-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Nigel Chung.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-22-065, as more fully described below, to Nigel Chung.

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

P. P. No. 118-22-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 98 in Coleman's and Van Tine's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown

by the recorded plat of said Subdivision in Volume 17 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 98 has a frontage of 40 feet on the Westerly side of East 70th Street (formerly Irvington Street), and extends back 138.42 feet on the Northerly line, 138.49 on the Southerly line, and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 2461-03.

By Council Member Sweeney.

An emergency ordinance to amend Section 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, relating to setting out containers.

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 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, is amended to read as follows:

Section 551.04 Setting Out Containers

(a) No person shall set out solid waste for collection in a waste con-

tainer that fails to meet the requirements of Section 551.02.

(b) No person shall set out for collection solid waste that cannot be contained in a waste container except in the manner prescribed by Section 551.05.

(c) No person shall set out solid waste for collection at any place other than the tree lawn in front of the property or at another designated place for waste collection as defined in division (g) of this section.

(d) No person shall set out any solid waste or any waste container for collection earlier than 12:00 noon on the day preceding a regular collection day.

(e) No person who has set out a waste container for collection shall fail to remove it from the tree lawn or other designated place for waste collection no later than 12:00 noon on the day following the date of collection.

(f) No owner of any property in the City shall fail to maintain the tree lawn of the property or other designated place for waste collection free from any solid waste or solid waste containers, except that it shall not be a violation of this division if:

(1) The solid waste or solid waste containers are found on the tree lawn or other designated place for waste collection not earlier than noon the day before a regular collection day; and

(2) The solid waste is in a container or containers that meet the requirements of Section 551.02, or without a container if the requirements of Section 551.05 are met; and

(3) All solid waste and solid waste containers are removed from the tree lawn or other designated place for collection within twelve hours after the collection occurs.

(g) The Director of Public Service may issue rules not inconsistent with the requirements of this chapter to establish designated places for waste collection. Any such rule of the Director shall be effective ten days after its publication in the City Record.

(h) As used in this section:

(1) The phrase "tree lawn" means the area between the curb and the sidewalk or the area between the curb and property line if there is no sidewalk.

(2) The phrase "another designated place for waste collection" or "other designated place for waste collection" means an alleyway adjacent to the property if waste collection occurs there, and also means any other place designated for waste collection pursuant to rule of the Director of Public Service issued under division (g) of this section.

Section 2. That existing Section 551.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 773-A-80, passed December 14, 1981, 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, Law; Committees on Public Service, Legislation, Finance.

FIRST READING ORDINANCES REFERRED**Ord. No. 2457-03.****By Council Member Reed.**

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

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

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

Beginning on the Centerline of East 116th Street (60 feet wide) at its Intersection with the Centerline of Union Avenue (60 feet wide);

Thence Northerly along said Centerline of East 116th Street to its Intersection with the Westerly prolongation of the Southerly line of the Karoline Knopf Allotment as shown by the recorded plat in Volume 32, Page 23 of the Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, the Southerly line of said Karoline Knopf Allotment and its Easterly prolongation to its Intersection with the Centerline of East 117th Street (45 feet wide);

Thence Southerly along said Centerline of East 117th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 11 of the Union-Rice Subdivision, as shown by the recorded plat in Volume 47, Page 24 of the Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, the Southerly line of said Sublot No. 11 and the Southerly line of Sublot No. 19 of said Union-Rice Subdivision;

Thence continuing Easterly across East 118th Street (46 feet wide) and along the Southerly lines of Sublot Nos. 40 and 49 of said Subdivision;

Thence continuing Easterly across East 119th Street (50 feet wide) and along the Southerly line of Sublot No. 70 of said Union-Rice Subdivision to its Intersection with the Westerly line of Sublot No. 27 of the McHenry Sinnott Realty Company's Mt. Pleasant View Subdivision, as shown by the recorded plat in Volume 42, Page 24, of the Cuyahoga County Records;

Thence Northerly along said Westerly line of Sublot No. 27 to the Northwest corner therein, also being the Southwest corner of Sublot No. 26 of said Subdivision;

Thence Easterly along said Southerly line of Sublot No. 26 of said Subdivision, across East 121st Street (50 feet wide), along the Southerly line of Sublot No. 35 of said Subdivision and along the Southerly line of Sublot No. 84 of the McHenry Sinnott Realty Company's Mt. Pleasant View Subdivision No. 2, as shown by the recorded plat in Volume 45, Page 28 of the Cuyahoga County Records;

Thence continuing Easterly across East 123rd Street (50 feet wide), along the Southerly line of Sublot No. 93 of said Subdivision, and along the Southerly Line of Sublot No. 138 of the McHenry Sinnott Realty Company's Mt. Pleasant View Subdivision No. 3, as shown by the recorded plat in Volume 49, Page 11 of the Cuyahoga County Records;

Thence continuing Easterly across East 125th Street (50 feet wide), along the Southerly line of Sublot No. 147 of said Subdivision to its Intersection with the Westerly line of Sublot No. 20 of the L.A. Kelly Subdivision, as shown by the recorded plat in Volume 43, Page 18 of the Cuyahoga County Records;

Thence Northerly along said Westerly line of said Sublot No. 20 to the Southwest Corner of a parcel of land conveyed to Gay Nesbie by Deed dated August 24, 1976, and recorded in Volume 14282, Page 995 of the Cuyahoga County Records, and also known as Permanent Parcel No. 130-22-035;

Thence Easterly along the Southerly line of said parcel and its Easterly prolongation to its Intersection with the Centerline of East 126th Street (40 feet wide);

Thence Southerly along said Centerline of said East 126th Street to its Intersection with the Centerline of Union Avenue aforesaid;

Thence Easterly along said Centerline of said Union Avenue to its Intersection with the Centerline of East 127th Street (60 feet wide);

Thence Southerly along said Centerline of said East 127th Street to its Intersection with the Easterly prolongation of the Southerly line of Sublot No. 1 of L.A. Kelly's Allotment, as shown by the recorded plat in Volume 14, Page 26 of the Cuyahoga County Records;

Thence Westerly along said Easterly Prolongation and the Southerly line of said Sublot No. 1, and continuing Westerly along the Southerly line of Sublots No. 2, 3, 4, 5, 6 and 7 of said L.A. Kelly's Allotment and the Southerly line of Sublots No. 62, and 63 of the L.A. Kelly's Allotment No. 2, as shown by the recorded plat in Volume 15, Page 14 of the Cuyahoga County Records, to the Southwest corner of said Sublot No. 63;

Thence Northerly along the Westerly line of said Sublot No. 63 in said L.A. Kelly's Allotment No. 2, and its Northerly prolongation to its Intersection with the Centerline of Union Avenue aforesaid;

Thence Westerly along said Centerline of Union Avenue to its Intersection with the Centerline of East 124th Street (45 feet wide);

Thence Southerly along said Centerline of East 124th Street to its Intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to the Willing Workers M.B. Baptist Church by Deed dated July 23, 1991, and recorded in Volume 91-4519, Page 20 of the Cuyahoga County Records, also known as Permanent Parcel No. 137-02-135;

Thence Westerly along said Easterly prolongation and the Southerly line of said parcel to the Southwest corner therein;

Thence Northerly along the Westerly line of said parcel to the Northwest corner therein, also being the Northeast corner of Sublot No. 83 in said L.A. Kelly's Allotment No. 2;

Thence Westerly along the Northerly line of said Sublot No. 83 and Sublot Nos. 84 and 85 of said L.A. Kelly's Allotment No. 2, and continuing Westerly along the Northerly lines of Sublot Nos. 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168 and the Westerly Prolongation of the Northerly line of said Sublot No. 168 in the Peter and Caroline Ray Allotment, as shown by the recorded plat in Volume 14, Page 2 of the Cuyahoga County Records, to its Intersection with the Centerline of East 120th Street (60 feet wide);

Thence Southerly along said Centerline of East 120th Street to its Intersection with the Centerline of Oakfield Avenue (45 feet wide);

Thence Westerly along said Centerline of Oakfield Avenue to its Intersection with the Southerly prolongation of the Westerly line of Sublot No. 66 of the Robert Weiss Allotment, as shown by the recorded plat in Volume 14, Page 2 of the Cuyahoga County Records;

Thence Northerly along said Southerly prolongation, the Westerly line of of Sublot No. 66, and the Westerly line of Sublot No. 75 of said Robert Weiss Allotment to its Intersection with the Northerly line of Sublot No. 78 of the Union-Rice Subdivision, as shown by the recorded plat in Volume 47, Page 24 of the Cuyahoga County Records;

Thence Westerly along said Northerly line of Sublot No.78 and its Westerly prolongation to its Intersection with the Centerline of East 118th Street (50 feet wide);

Thence Southerly along said Centerline of East 118th Street to its Intersection with the Easterly prolongation of the Northerly line of Sublot No. 142 of said Union-Rice Subdivision;

Thence Westerly along said Easterly prolongation and Northerly line of said Sublot No. 142, the Northerly line of Sublot No. 150 of said Union-Rice Subdivision, and across East 117th Street (50 feet wide);

Thence continuing Westerly along the Northerly line of Sublot No. 217 of said Union-Rice Subdivision to its Intersection with the Westerly line of Sublot No. 219 of said Union-Rice Subdivision;

Thence Northerly along said Westerly line of Sublot No. 219 and its Northerly prolongation to its Intersection with the Centerline of Union Avenue, aforesaid;

Thence Westerly along said Centerline of Union Avenue to the place of beginning, and as outlined and shaded on the attached map is changed to a Two-Family Residential Use District and to a "B" Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2098, Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That the Use District of lands described as follows:

Beginning at the Centerline of Union Avenue S.E. (60 feet wide), at its Intersection with the Centerline of East 124th Street (45 feet wide);

Thence Easterly along said Centerline of Union Avenue to its Intersection with the Northerly Prolongation of the Easterly Line of a parcel of land conveyed to Enea Properties Inc. by Instrument dated July 24, 2003 and recorded in A.F.N. 200307241183 of the Cuyahoga County Records, also known as being Permanent Parcel No. 137-02-016;

Thence Southerly along said Northerly Prolongation, the Easterly Line of said Parcel and its Southerly Prolongation to its Intersection with the Centerline of Oakfield Avenue S.E. (45 feet wide);

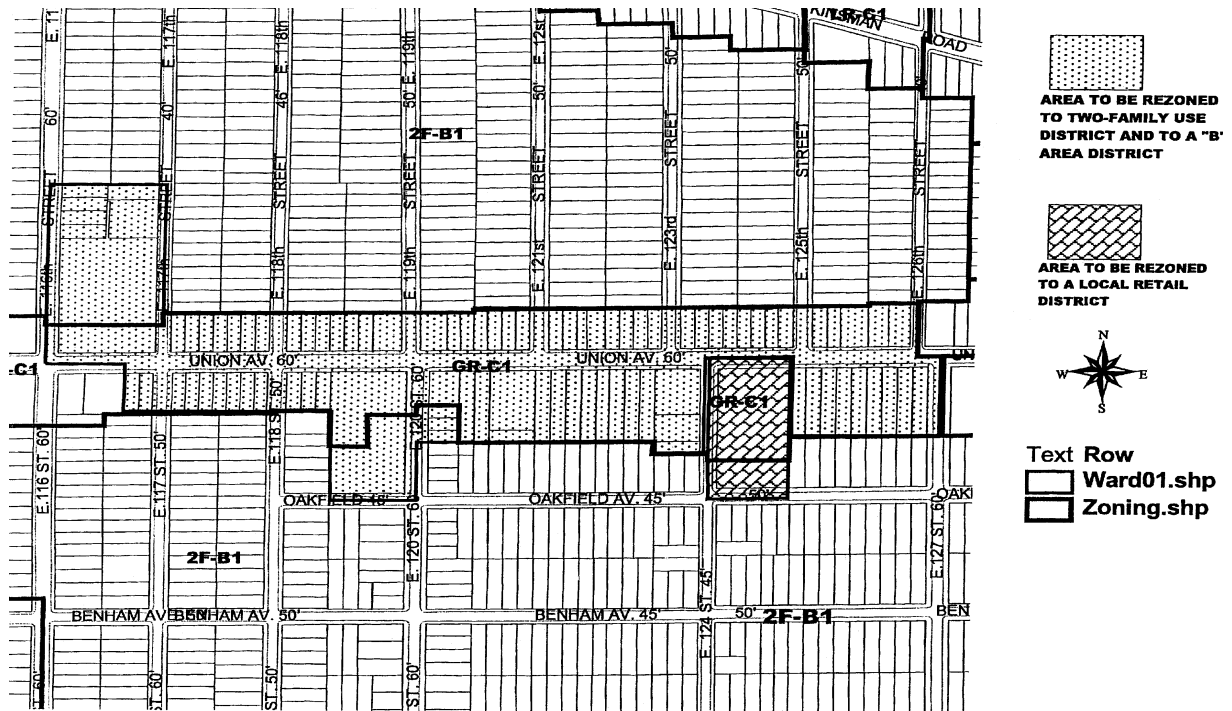
Thence Westerly along said Centerline of Oakfield Avenue to its Intersection with the Centerline of East 124th Street aforesaid;

Thence Northerly along said Centerline of East 124th Street to the Place of Beginning, and as outlined and shaded on the attached map is changed to a Local Retail Business Use District.

Section 4. That the changed designation of lands described in Section 3 shall be identified as Map Change No. 2105, Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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



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

Ord. No. 2458-03.**By Council Member Reed.**

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

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

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

Beginning on the Centerline of East 117th Street (45 feet wide) at its Intersection with the Centerline of Kinsman Road (66 feet wide);

Thence Northerly along said Centerline of East 117th Street to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 21 of the Johnson Farm Subdivision, as shown by the recorded plat in Volume 40, Page 10 of the Cuyahoga County Records;

Thence Easterly along said Westerly prolongation and Northerly line and Northerly lines of Sublot Nos. 22 and 23 to the Northeast corner therein;

Thence Southerly along the Easterly line of said Sublot No. 23 of to its Intersection with the Northerly line of Sublot No. 83 of the Johnson Farm Subdivision No. 2 as shown by the recorded plat in Volume 43, Page 16 of the Cuyahoga County Records;

Thence Easterly along the Northerly line of said Sublot No. 83, the Northerly lines of Sublot Nos. 84 and 85 and the Easterly prolongation of the Northerly line of Sublot No. 85 of said Subdivision No. 2 to its Intersection with the Centerline of East 118th Street (45 feet wide);

Thence Southerly along said Centerline to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 104 of said Subdivision;

Thence Easterly along the Northerly line of said Sublot No. 104 to the Northeast corner therein;

Thence Southerly along the Easterly line of said Sublot No. 104 to the Southeast corner therein;

Thence Easterly along the Northerly line and Easterly prolongation of Sublot No. 111 to its Intersection with the Centerline of East 119th Street (45 feet wide);

Thence Southerly along the Centerline of said East 119th Street to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 134 of the Johnson Farm Subdivision No. 2, aforesaid;

Thence Easterly along the Westerly prolongation and Northerly line of said Sublot No. 134 and the Northerly lines of Sublot Nos. 135 and 136 of said Johnson Farm Subdivision No. 2 to the Northeast corner therein;

Thence Southerly along the Easterly line of said Sublot No. 136 to its Intersection with the Northerly line of Sublot No. 248 of the Crawford-Woodhill Subdivision as shown by the recorded plat in Volume 47, Page 12 of the Cuyahoga County Records;

Thence Easterly along the Northerly line of said Sublot No. 248, the Northerly lines of Sublot Nos. 247 and 246, and the Easterly prolongation of the Northerly line of Sublot No. 246 of said Crawford-Woodhill Subdivision to its Intersection with the Centerline of East 121st Street (45 feet wide);

Thence Southerly along the Centerline of East 121st Street to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 160 of said Crawford-Woodhill Subdivision;

Thence Easterly along the Westerly prolongation of the Northerly line and the Northerly line of said Sublot No. 160 and the Northerly lines of Sublot Nos. 159 and 158 of said Crawford-Woodhill Subdivision to the Northeast corner therein;

Thence Southerly along the Easterly line of said Sublot No. 158 to its Intersection with the Northerly line of Sublot No. 157 of said Crawford-Woodhill Subdivision;

Thence Easterly along the Northerly lines of Sublot Nos. 157, 156, and 155 and the Easterly prolongation of the Northerly line of Sublot No. 155 of said Subdivision to its Intersection with the Centerline of East 123rd Street (50 feet wide);

Thence Southerly along said Centerline of East 123rd Street to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Northwest along said Centerline of Kinsman Road to its Intersection with the Centerline of East 121st Street, aforesaid;

Thence Southerly along said Centerline of East 121st Street to its Intersection with the Easterly prolongation of the Southerly line of Sublot No. 3 of the McHenry Sinnott Realty Co's. Mt. Pleasant View Subdivision No. 1 as shown by the recorded plat in Volume 42, Page 24 of the Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and Southerly line of said Sublot No. 3 and the Southerly lines of Sublot Nos. 2 and 1 of said Mt. Pleasant View Subdivision No. 1 to its Intersection with the Easterly line of J. E. Dean's Allotment as shown by the recorded plat in Volume 14, Page 22 of the Cuyahoga County Records;

Thence Northerly along the Easterly line of said J. E. Dean's Allotment to its Intersection with the Southerly line of Sublot No. 3 of said Dean's Allotment;

Thence Westerly along the Southerly lines of Sublot Nos. 3, 2, and 1 and the Westerly prolongation of the Southerly line of Sublot No. 1 of said Dean's Allotment to its Intersection with the Westerly line of the East 119th Street Right-of-Way and continuing Westerly along the Southerly line of Sublot No. 18 of said Dean's Allotment to its Intersection with the Easterly line of the Morgan Park Subdivision as shown by the recorded plat in Volume 52, Page 24 of the Cuyahoga County Records;

Thence Northerly along the Easterly line of said Morgan Park Subdivision to its Intersection with the Southerly line of Sublot No. 25 of said Subdivision;

Thence Westerly along the Southerly lines of Sublot Nos. 25, 24, and 23 and the Westerly prolongation of the Southerly line of Sublot No. 23 to its Intersection with the Centerline of East 118th Street, aforesaid;

Thence Northerly along said Centerline of East 118th Street to its Intersection with the Easterly prolongation of the Southerly line of Sublot No. 3 of said Morgan Park Subdivision;

Thence Westerly along the Easterly prolongation of the Southerly line and the Southerly line of said Sublot No. 3 and along the Southerly lines of Sublot Nos. 2 and 1 of said Morgan Park Subdivision and continuing along the Southerly lines of Sublot Nos. 1, 2 and 3 and the Westerly prolongation of the Southerly line of Sublot No. 3 of Karoline Knopf's Allotment as shown by the recorded plat in Volume 32, Page 23 of the Cuyahoga County Records to its Intersection with the Centerline of East 117th Street, aforesaid;

Thence Northerly along the Centerline of East 117th Street to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Easterly along said Centerline of Kinsman Road to the place of beginning, and as outlined and shaded on the attached map is changed to a Two-Family Residential Use District and to a "B" Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2099, Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That the Use and Area Districts of lands described as follows:

Beginning on the Centerline of East 125th Street (45 feet wide) at its Intersection with the Centerline of Kinsman Road (66 feet wide);

Thence Northerly along said Centerline of East 125th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 4 of the Crawford-Woodhill Subdivision as shown by the recorded plat at Volume 47, Page 12 of the Cuyahoga County Records;

Thence Easterly along said Westerly prolongation and the Southerly line of said Sublot No. 4 of said Crawford-Woodhill Subdivision to the Southeasterly corner therein;

Thence Northerly along the Easterly line of said Sublot No. 4 about 1 foot to a point on said Easterly line of Sublot No. 4;

Thence Southeasterly along the Southwesterly line and Southeasterly prolongation of said Southwesterly line of Sublot No. 4 of the Walton Brothers Mt. Pleasant Allotment as shown by the recorded plat in Volume 14, Page 6 of the Cuyahoga County Records to its Intersection with the Centerline of East 126th Street (58 feet wide);

Thence Southerly along said Centerline of East 126th Street to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Westerly along said Centerline of Kinsman Road to its Intersection with the Centerline of East 126th Street;

Thence Southerly along the Centerline of East 126th Street to its Intersection with the Easterly prolongation of the Northerly line of Sublot No. 4 of the L.A. Kelly Subdivision No. 4 as shown by the recorded plat in Volume 43, Page 18 of the Cuyahoga County Records;

Thence Westerly along said Easterly prolongation and Northerly line of said Sublot No. 4 to its Intersection with the Easterly line of the McHenry Sinnott Realty Co's. Mt. Pleasant View Subdivision No. 3 as shown by the recorded plat in Volume 49, Page 11 of the Cuyahoga County Records;

Thence Northerly along said Easterly line of said Mt. Pleasant View Subdivision No. 3 to its Intersection with the Northerly line of Sublot No. 163 of said Subdivision;

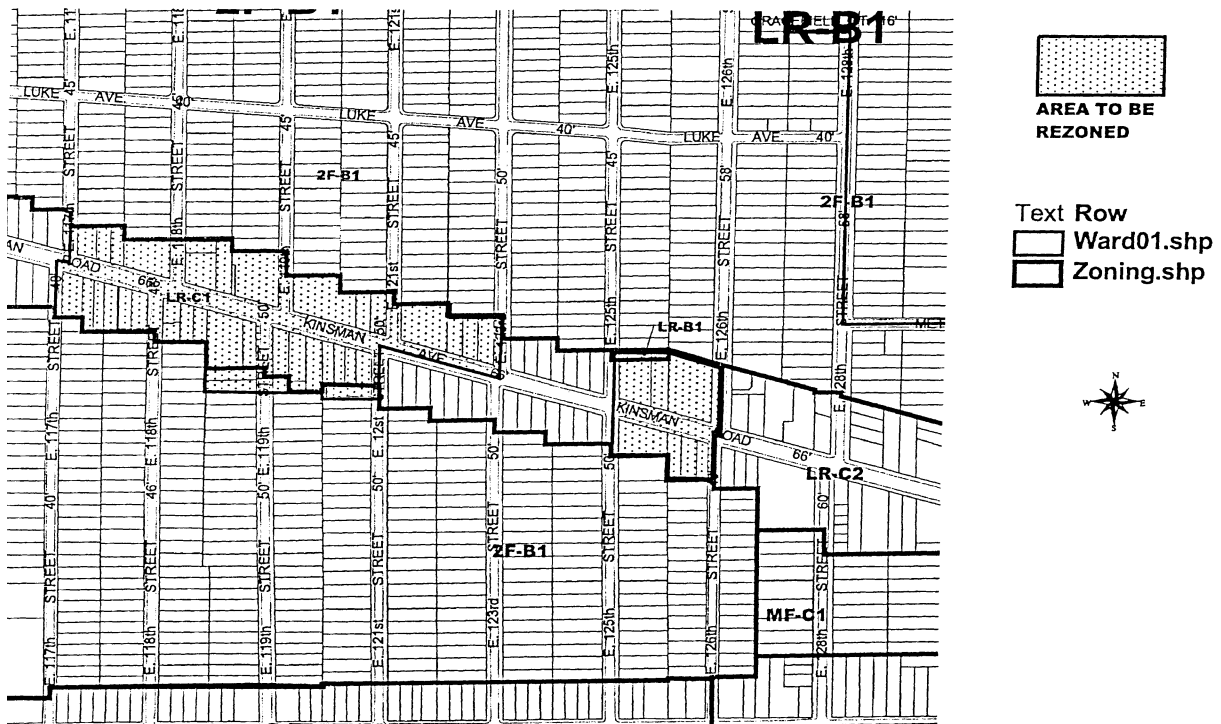
Thence Westerly along said Northerly line of Sublot No. 163 and its Westerly prolongation to its Intersection with the Centerline of East 125th Street, aforesaid;

Thence Northerly along said Centerline of East 125th Street to the place of beginning, and as outlined and shaded on the attached map is changed to a Two-Family Residential Use District and to a "B" Area District.

Section 4. That the changed designation of lands described in Section 3 shall be identified as Map Change No. 2104, Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Sketch showing rezoning of properties along Kinsman Road from East 117th to East 123rd Streets (Map Change No. 2099, Sheet No. 10) and between East 125th and East 126th Streets (Map Change No. 2104, Sheet No. 10) from Local Retail Business Use Districts to Two-Family Residential Use Districts and from "C" Area to "B" Area Districts.



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

**FIRST READING EMERGENCY
RESOLUTIONS REFERRED**

Res. No. 2434-03.

**By Council Members Sweeney,
Cimperman and Jackson (by depart-
mental request).**

**An emergency resolution declar-
ing the necessity and intention to
appropriate property for the public
use of extending Bessemer Avenue.**

Whereas, this resolution consti-
tutes an emergency measure provid-
ing for the usual daily operation of
a municipal department; now, there-
fore,

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

Section 1. That for the public pur-
pose of extending Bessemer Avenue,
it is necessary to appropriate in fee
simple interest and this Council
declares its intent to appropriate the
fee simple interest in and to the fol-
lowing described property:

Exhibit 'A'
PID 20329

**BESSEMER AVENUE EXTENSION
PARCEL 4-T1**

Situated in the City of Cleveland,
County of Cuyahoga, State of Ohio,
and in Original 100 Acre Lot No. 325,
further bounded and described as
follows:

Commencing at an iron pipe found
in the centerline of East 65th Street
(66 feet wide) at its intersection
with the centerline of Bessemer
Avenue (70 feet wide), said point
being at East 65th Street centerline
Station 10+00.00 as shown by the
Bessemer Avenue Extension Plans
dated January 14, 2003 on file at the
City of Cleveland, Division of Engi-
neering and Construction;

Thence North 01° 10' 44" West a
distance of 186.94 feet to a point
lying at East 65th Street centerline
Station 11+86.94;

Thence South 88° 49' 16" West a
distance of 33.00 feet to a point in
the easterly line of lands conveyed
to Richard M. Berg and Douglas
Link Properties by deed recorded in
Volume 87-0841, Page 31 of the
Cuyahoga County Records and the
principal place of beginning. Said
point lying 33.00 feet left of East
65th Street Station 11+86.94;

Thence along the arc of a curve
deflecting to the right and having an
arc distance of 76.99 feet, a radius
of 35.00 feet and chord bearing
South 61° 50' 04" West, 62.38
feet to a point of reverse curvature
lying 30.00 feet left of Bessemer
Avenue centerline Station 98+34.34;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 247.16 feet, a radius
of 412.00 feet and chord bearing
North 72° 20' 17" West, 243.47 feet
to a point of tangency lying 30.00
feet left of Bessemer Avenue cen-
terline Station 96+05.18;

Thence South 89° 31' 23" East a
distance of 67.55 feet to a point of
curvature;

Thence along the arc of a curve
deflecting to the right and having an
arc distance of 86.87 feet, a
radius of 417.50 feet and chord bear-
ing South 74° 15' 16" East, 86.71 feet
to a point of tangency;

Thence South 66° 49' 47" East a
distance of 54.85 feet to a point;

Thence South 58° 57' 39" East a
distance of 54.03 feet to a point of
curvature;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 51.41 feet, a radius
of 30.86 feet and chord bearing

North 50° 31' 46" East, 45.67 feet to
a point;

Thence North 34° 19' 29" East a
distance of 6.89 feet to a point lying
33.00 feet left of East 65th Street
centerline Station 11+92.55;

Thence South 01° 10' 44" East a
distance of 5.61 feet to the principal
place of beginning and containing
an area of 0.038 acres more or less
but subject to all legal highways.

The above-described parcel is
Auditor's Parcel Number 125-07-007.

Bearings are calculated from
State Plane Coordinates of Cuya-
hoga County Regional Geodetic Sur-
vey and are to be used to denote
angles only

This description was calculated
by Thomas M. Coffman Registered
Surveyor No. 6857 and is based on a
survey of Bessemer Avenue made by
Ralph C. Tyler Company for the
City of Cleveland in 2002.

Exhibit 'A'
PID 20329

**BESSEMER AVENUE EXTENSION
PARCEL 4-WD**

Situated in the City of Cleveland,
County of Cuyahoga, State of Ohio,
and in Original 100 Acre Lot No. 325,
further bounded and described as
follows:

Commencing at an iron pipe found
in the centerline of East 65th Street
(66 feet wide) at its intersection
with the centerline of Bessemer
Avenue (70 feet wide), said point
being at East 65th Street centerline
Station 10+00.00 as shown by the
Bessemer Avenue Extension Plans
dated January 14, 2003 on file at the
City of Cleveland, Division of Engi-
neering and Construction; thence
South 01° 10' 44" East a distance of
9.80 feet to a point lying at East
65th Street centerline Station
9+90.20;

Thence South 88° 49' 16" West a
distance of 33.00 feet to a point in
the easterly line of lands conveyed
to Richard M. Berg and Douglas
Link Properties by deed recorded in
Volume 87-0841, Page 31 of Cuya-
hoga County Records and the prin-
cipal place of beginning. Said point
lying 33.00 feet left of East 65th
Street Station 9+90.20;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 57.14 feet, a radius
of 100.00 feet and chord bearing
North 22° 53' 45" West, 56.37 feet
to a point of compound curvature lying
30.00 feet right of Bessemer Avenue
centerline Station 99+40.26;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 308.77 feet, a radius
of 352.00 feet and chord bearing
North 64° 23' 41" West, 298.96 feet
to a point of tangency lying 30.00
feet left of Bessemer Avenue cen-
terline Station 96+05.18;

Thence North 89° 31' 23" West a
distance of 514.58 feet to a point
lying 30.00 feet right of Bessemer
Avenue centerline Station 90+90.60;

Thence North 01° 11' 26" West a
distance of 60.03 feet to a point
lying 30.00 feet left of Bessemer
Avenue centerline Station 90+90.60;

Thence South 89° 31' 23" East a
distance of 516.32 feet to a point of
curvature lying 30.00 feet left of
Bessemer Avenue centerline Station
96+05.18;

Thence along the arc of a curve
deflecting to the right and having an
arc distance of 247.16 feet, a
radius of 412.00 feet and chord bear-
ing South 72° 20' 17" East, 243.47
feet to a point of compound curva-

ture lying 30.00 feet left of Besse-
mer Avenue centerline Station
98+34.34;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 76.99 feet, a radius
of 35.00 feet and chord bearing
North 61° 50' 04" East, 62.38 feet to
a point of tangency lying 33.00 feet
left of East 65th Street centerline
Station 11+86.94;

Thence South 01° 10' 44" East a
distance of 196.74 feet to the prin-
cipal place of beginning and contain-
ing an area of 1.196 acres more or
less but subject to all legal high-
ways.

The above described parcel is
Auditor's Parcel Number 125-07-007.

Bearings are calculated from
State Plane Coordinates of Cuya-
hoga County Regional Geodetic Sur-
vey and are to be used to denote
angles only.

This description was calculated
by Thomas M. Coffman Registered
Surveyor No. 6857 and is based on a
survey of Bessemer Avenue made by
Ralph C. Tyler Company for the
City of Cleveland in 2002.

Exhibit 'A'
PID 20329

**BESSEMER AVENUE EXTENSION
PARCEL 4-T2**

Situated in the City of Cleveland,
County of Cuyahoga, State of Ohio,
and in Original 100 Acre Lot No. 325,
further bounded and described as
follows:

Commencing at an iron pipe found
in the centerline of East 65th Street
(66 feet wide) at its intersection
with the centerline of Bessemer
Avenue (70 feet wide), said point
being at East 65th Street centerline
Station 10+00.00 as shown by the
Bessemer Avenue Extension Plans
dated January 14, 2003 on file at the
City of Cleveland, Division of Engi-
neering and Construction;

Thence South 01° 10' 44" East a
distance of 9.80 feet to a point lying
at East 65th Street centerline Sta-
tion 9+90.20; thence South 88° 49'
16" West a distance of 33.00 feet to
a point in the easterly line of lands
conveyed to Richard M. Berg and
Douglas Link Properties by deed
recorded in Volume 87-0841, Page 31
of the Cuyahoga County Records and
the principal place of begin-
ning. Said point lying 33.00 feet left
of East 65th Street Station 9+90.20;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 57.14 feet, a radius
of 100.00 feet and chord bearing
North 22° 53' 45" West, 56.37 feet
to a point of compound curvature lying
30.00 feet right of Bessemer Avenue
centerline Station 99+40.26;

Thence along the arc of a curve
deflecting to the left and having an
arc distance of 308.77 feet, a radius
of 352.00 feet and chord bearing
North 64° 23' 41" West, 298.96 feet
to a point of tangency lying 30.00
feet left of Bessemer Avenue cen-
terline Station 96+05.18;

Thence North 89° 31' 23" West a
distance of 514.58 feet to a point
lying 30.00 feet right of Bessemer
Avenue centerline Station 90+90.60;

Thence South 01° 11' 26" East a
distance of 7.02 feet to a point;

Thence South 85° 17' 27" East a
distance of 9.08 feet to a point;

Thence South 88° 38' 39" East a
distance of 115.32 feet to a point;

Thence South 89° 31' 23" East a
distance of 384.89 feet to a point;

Thence South 78° 53' 38" East a
distance of 133.05 feet to a point;

Thence South 58° 20' 50" East a distance of 90.39 feet to a point;
 Thence South 46° 09' 31" East a distance of 90.35 feet to a point;
 Thence South 36° 03' 03" East a distance of 25.10 feet to a point;
 Thence South 13° 23' 57" East a distance of 18.56 feet to a point;
 Thence South 80° 18' 21" West a distance of 11.18 feet to a point;
 Thence South 01° 10' 26" East a distance of 24.74 feet to a point;
 Thence North 89° 00' 20" East a distance of 16.00 feet to a point lying 33.00 feet left of Bessemer Avenue centerline Station 9+67.06 of East 65th Street as shown in the plans of Bessemer Avenue Extension;
 Thence North 01° 10' 44" East a distance of 23.14 feet to the principal place of beginning and containing an area of 0.136 acres more or less and subject to all legal highways.
 The above described parcel is Auditor's Parcel Number 125-07-007. Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey and are to be used to denote angles only.
 This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of Bessemer Avenue made by Ralph C. Tyler Company for the City of Cleveland in 2002.
Section 2. That the Director of Finance is authorized to cause writ-

ten notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which 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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.
Res. No. 2465-03.
By Council Members Reed and Polensek.
An emergency resolution congratulating the President of the United States and the American troops in Iraq on the successful capture of Saddam Hussein
 Whereas, early Sunday morning, December 14, 2003, the citizens of the United States and the world were told that American troops had captured the long-sought-after Iraqi tyrant, Saddam Hussein; and

Whereas, approximately 600 American troops found Saddam Hussein hiding in a dirt hole at a farmhouse near his hometown of Tikrit; and
 Whereas, the American troops and the President of the United States are to be commended for their resolve in tracking down this ruthless tyrant; and
 Whereas, the Iraqi people, and the world, can now rest assured that Saddam Hussein will never again return to a position from which he can terrorize, punish and intimidate; 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 congratulates the President of the United States and the American troops in Iraq on the successful capture of Saddam Hussein.
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.
 Referred to Director of Law; Committee on Public Safety.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2441-03.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract 58892 for the Morgan Filter-Administration Building Modifications project 359 with EnviroCom Construction Inc., 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 make the following alterations and modifications in Contract 58892 with EnviroCom Construction Inc. for the Morgan Filter-Administration Building Modifications project 359, for the Department of Public Utilities:

Morgan Filter-Administration Building Modifications project 359
 Subsidiary Agreement
 Contract No. 58892

Additions

1. Change Order #11, Relocation of laboratory utility piping and electrical	\$15,511.00
2. Change Order #12, Architectural modifications to accommodate HVAC revisions	\$28,953.00
3. Contingency. Required to fund future unforeseen conditions and project close-out	<u>\$ 5,536.00</u>
TOTAL SUBSIDIARY ADDITIONS	\$50,000.00

Original Contract Amount	\$2,878,000.00
Total Subsidiary Additions	<u>\$ 50,000.00</u>
REVISED CONTRACT AMOUNT	\$2,928,000.00

which alteration has been recommended in writing by the Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of Public Utilities and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$50,000.00 to be paid from Fund Nos. 52 SF 001, 52 SF 223, and 52 SF 225.
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.
 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. 2442-03.
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 Youth Services for the 2004 Juvenile Accountability Incentive Block Grant Program; and to enter into 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 Safety is authorized to apply for and accept a grant in the amount of \$397,324, from the Ohio Department of Youth Services, to conduct the 2004 Juvenile Accountability Incentive Block Grant Program, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the application for the grant.

Section 2. That the application for the grant, File No. 2442-03-A, made a part as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$44,147, payable from Fund No. 01-600201-639905, is approved in all respects.

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

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to lease office space to implement the grant. The term of the lease shall not exceed the grant period and shall be in an aggregate estimated annual amount of \$25,000.00.

That the lease or leases may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease or leases shall be prepared by the Director of Law and shall contain any authorized terms and conditions that are required to protect the interests of the City.

That the Director of Public Safety, the Director of Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions necessary or appropriate to effect the lease or leases authorized by this ordinance.

Section 5. That the Director of Public Safety is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease of up to six (6) vehicles and for the lease of equipment necessary to implement the program, to be procured by the Commissioner of Purchases and Supplies on a unit basis.

Section 6. That the Director of Public Safety is authorized to enter into one or more contracts with a

Partnership for a Safer Cleveland to implement the program as described in the application.

Section 7. That the costs for the contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and from cash matching funds identified in this ordinance and appropriated for this purpose.

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

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

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

**Ord. No. 2450-03.
By Council Members Britt and Jackson.**

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 2004 Western Reserve Area Agency on Aging Program.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$114,000, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging to conduct the 2004 Western Reserve Area Agency on Aging Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the draft contract for the grant contained in the file described below.

Section 2. That the draft contract for the grant, File No. 2450-03-A, made a part of this ordinance as if fully rewritten, 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.

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. 2451-03.
By Council Members Reed and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts

without competitive bidding with International Business Machines Corporation for the purchase of maintenance and support of two AS400 servers and various other peripherals, for the Division of Police, Department of Public Safety, for a period of one year with two options to renew for additional one-year terms.

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 International Business Machines Corporation. Therefore the Director of Public Safety is authorized to make one or more written contracts with International Business Machines Corporation on the basis of its proposal dated October 9, 2003, for maintenance and support of two AS400 servers and various other peripherals, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Police, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 121727.

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

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

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

**Ord. No. 2452-03.
By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland provided such violation may result in incarceration, for the Cleveland Municipal Court for a period of one year.

Whereas, in Argersinger v. Hamilton and Scott v. Illinois, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is obligated to provide an indigent defendant appointed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, under Section 120.14 of the Revised Code, a county commission which has organized a county public defender commission may contract with any municipal corporation within the County

served by the county public defender to provide legal representation on behalf of the municipal corporation; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that indigent defense should be provided by the Cuyahoga County Public Defender Commission; 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 Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided the violation may result in incarceration, for a period of one year beginning January 1, 2004, at an estimated cost of \$1,400,000, payable from the fund or funds appropriated for this purpose in budget year 2004, Request No. 128265.

Section 2. That two percent (2%) of any payment received by the City and/or Cleveland Municipal Court from the financing of defense counsel for indigent persons shall be utilized by participants in a court exchange program between Cleveland Municipal Court and the Cleveland Municipal School District.

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

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

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

Ord. No. 2453-03.

By Council Members Gordon and O'Malley.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Old Brooklyn Neighborhood Services, Inc. for providing their Old Brooklyn Residential Safety & Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 15, 16 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Old Brooklyn Neighborhood Services, Inc. for providing their Old Brooklyn Residential Safety & Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleve-

land through the use of Wards 15, 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$55,609.40 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. 2454-03.

By Council Member Jackson.

An emergency ordinance to amend Section 115.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2158-95, passed November 27, 1995, relating to distribution of the City Record.

Whereas, Section 75 of the Charter of the City of Cleveland requires the City to publish weekly a *City Record* containing the transactions and proceedings of the Council, the legal advertising of the City, and such other information relating to the affairs of the City as shall be determined by ordinance; and

Whereas, Section 75 of the Charter of the City of Cleveland also states that the *City Record* shall be published, distributed, and sold in such manner and on such terms as the Council may determine; and

Whereas, the *City Record* is now available online; and

Whereas, the online accessibility of the *City Record* has resulted in decreased interest in *City Record* subscriptions; and

Whereas, there are not enough potential subscribers to the *City Record* for City Council to continue to offer *City Record* subscriptions; 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 Section 115.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2158-95, passed November 27, 1995, is hereby amended to read as follows:

Section 115.03 Distribution of the City Record

The Clerk of Council shall publish the *City Record* weekly and cause the *City Record* to be available online from Cleveland City Council's website. The Clerk of Council shall also provide copies for free distribution of the *City Record* at the Clerk's Office in City Hall, at Cleveland Public Libraries, and at such other places as the Clerk of Council may from time to time determine.

The quantities provided for free distribution are subject to the discretion of the Clerk of Council.

The Clerk of Council is authorized to enter into contacts as may be necessary to ensure the timely publication of the *City Record* including online accessibility of the *City Record*.

Section 2. That existing Section 115.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2158-95, passed November 27, 1995, is hereby repealed.

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

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. 2443-03.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 761 Starkweather Avenue, 1st Floor and Basement and repealing Resolution No. 1623-02, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 761 Starkweather Avenue, 1st Floor and Basement by Resolution No. 1623-02 adopted by the Council on August 14, 2002; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to S & R Browns Food Market, Inc., DBA Browns Food Market, 761 Starkweather Avenue, 1st Floor and Basement, Cleveland, Ohio 44113, Permanent Number 8459405 be and the same is hereby withdrawn and Resolution No. 1623-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2444-03.**By Council Member Coats.****An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1010 East 152nd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Reserve Enterprises, Inc., DBA Five Points Eagle Market, 1010 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 73080330010 to W W 152, Inc., DBA Five Points Family Foods, 1010 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 9324250; 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 C2 and C2X Liquor Permit from Reserve Enterprises, Inc., DBA Five Points Eagle Market, 1010 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 73080330010 to W W 152, Inc., DBA Five Points Family Foods, 1010 East 152nd Street, Cleveland, Ohio 44110, Permanent Number 9324250; 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. 2445-03.**By Council Member Gordon.****An emergency resolution objecting to a New C1 Liquor Permit at 3787 Pearl Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Aldi, Inc., DBA Aldi, #25, 3787 Pearl Road, Cleveland, Ohio 44109, Permanent Number 01007780410; 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 Aldi, Inc., DBA Aldi, #25, 3787 Pearl Road, Cleveland, Ohio 44109, Permanent Number 01007780410, 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. 2446-03.**By Council Member Gordon.****An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 4301 State Road and repealing Resolution No. 1319-03, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to 4301 State Road by Resolution No. 1319-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to B C G, Inc., DBA Bus Stop Inn, 45301 State Road, Cleveland, Ohio 44109, Permanent Number 0347602 be and the same is hereby withdrawn and Resolution No. 1319-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 2447-03.**By Council Member Reed.****An emergency resolution objecting to a New C1 Liquor Permit at 10815 Kinsman Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Aldi, Inc., DBA Aldi, #34, 10815 Kinsman Avenue, Cleveland, Ohio 44104, Permanent Number 01007780445; 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 Aldi, Inc., DBA Aldi, #34, 10815 Kinsman Avenue, Cleveland, Ohio 44104, Permanent Number 01007780445, 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. 2448-03.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 18506 St. Clair Avenue and repealing Resolution No. 1900-03, objecting to said transfer.

Whereas, this Council objected to a C1 Liquor Permit to 18506 St. Clair Avenue by Resolution No. 1900-03 adopted by the Council on September 29, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement signed December 2, 2003 by and through City Council Representative, Michael D. Polensek and Applicant, Baldev S. Dod, President of H. M. Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio, 4110, Permanent Number 3471700, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a C1 Liquor Permit to H. M. Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 3470100 be and the same is hereby withdrawn and Resolution No. 1900-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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. 2449-03.

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 17438 St. Clair Avenue and repealing Resolution No. 1333-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 17438 St. Clair Avenue by Resolution No. 1333-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed December 10, 2003 by and through City Council Representative, Michael D. Polensek and Applicant, Collette Pinkston, Operator and Potential Purchaser of Smoht Corporation, DBA Jake's Firewater, 17438 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 8320927, a copy of which is in the file for this address with the City Law Department and

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Smoht Corporation, DBA Jake's Firewater, 17438 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 8320927 be and the same is hereby

withdrawn and Resolution No. 1333-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 2459-03.

By Council Member Reed.

An emergency resolution supporting the proposal of Mt. Pleasant NOW HDAP Homes to provide affordable housing for the benefit of citizens of Cleveland through the use of funding from the Ohio Housing Finance Agency.

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

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

Whereas, Mt. Pleasant NOW HDAP Homes is proposing to develop up to 11 new single-family homes in the City of Cleveland; and

Whereas, 100% of these units will be sold to and occupied by families with incomes at or below 80% of the area median income; and

Whereas, the Mt. Pleasant NOW HDAP Homes project will benefit the citizens of the City; and

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

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

Section 1. That the Council of the City of Cleveland supports the proposal of Mt. Pleasant NOW HDAP Homes to provide affordable housing for the citizens of the Cleveland through the use of funding from the Housing Development Assistance Program of the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of the resolution to the Executive Director of Cleveland Housing Network.

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. 2460-03.**By Council Member Cimperman.****An emergency resolution objecting to the stock transfer of ownership of a D5 and D6 Liquor Permit to 4829 Superior Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a D5 and D6 Liquor Permit to S C S Enterprises, Inc., DBA Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934; 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 stock transfer of ownership of a D5 and D6 Liquor Permit to S C S Enterprises, Inc., DBA Marbles Grill and Bar, 4829 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 7933934; 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. 2462-03.**By Council Members Coats, Jones, Reed, Britt, Pierce Scott, Conwell, Zone, Jackson, Brady, Cimperman, Cintron, Dolan, Gordon, Johnson, Lewis, O'Malley, Polensek, Rybka, Sweeney, Westbrook and White.****An emergency resolution calling on eBay to conduct a simple technical modification of its search engine to eliminate the use of racially derogative terms from their marketing and promotion systems and take steps to move in a more positive and socially acceptable way to promote its products and services.**

Whereas, the present structure of the eBay search engine, brought to the attention of Cleveland City Council by the National Black Caucus of Local Elected Officials and the National League of Cities, allows for the use of racially insensitive terms to be used to identify products associated with African-Americans such as: Black Nigger Tobacco Marbles, 1930 Nigger Head Oysters, Jolly Nigger Head Banks and many others; and

Whereas, corporations have a social responsibility to respect the cultural history and diversity of all citizens of the United States; and in doing so, it is vital that racially derogatory terms be eliminated from the flow of American commerce, while maintaining the values associated with the constitutional right to freedom of speech; and

Whereas, the National League of Cities has challenged its members and all municipal officials to take action against racism of all forms; and

Whereas, this Council is committed to upholding fundamental principles of tolerance, equality and the rule of law and condemn acts of bias, bigotry and racism against anyone; 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 calls on eBay to conduct a simple technical modification of its search engine to eliminate the use of racially derogative terms from their marketing and promotion systems and take steps to move in a more positive and socially acceptable way to promote its products and services.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the CEO and President of eBay, the Board Members of the National League of Cities, the Executive Director and Officers of the Board of the Cleveland NAACP.

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. 2463-03.**By Council Members Zone, Reed, Sweeney and Britt.****An emergency resolution urging the U.S. Congress to support the Metropolitan Congestion Relief Act and to include the Metropolitan Congestion Relief Act in the reauthorization of the Transportation Equity Act for the 21st Century.**

Whereas, America's cities rely on transportation infrastructure to keep their economies competitive in the world marketplace; and

Whereas, many cities are facing the need to build, rebuild, or repair major segments of their transportation infrastructure to stimulate economic growth and ensure safe travel; and

Whereas, the current federal aid highway program that places the state departments of transportation in the role of innovator and manager of urban transportation programs has not solved congestion, which has dramatically increased in the past ten years in most metropolitan areas; and

Whereas, the Metropolitan Congestion Relief Act (HR 3611) contains a multi-part approach to urban congestion; and

Whereas, this multi-part approach to urban congestion creates a new urban congestion program, which could be used for so called "mega-projects"; and

Whereas, this multi-part approach to urban congestion targets more funding that can be used for building, repairing, and rebuilding transportation segments to metropolitan areas from existing programs; and

Whereas, this multi-part approach to urban congestion creates a new Incident Management Program to combat one or the major causes of urban congestion; and

Whereas, the "Metropolitan Congestion Relief Act" would empower local and regional governments to manage their transportation programs and make planning and funding decisions to address urban congestion; 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 strongly urges the U.S. Congress to support the Metropolitan Congestion Relief Act and to include the Metropolitan Congestion Relief Act in the reauthorization of the Transportation Equity Act for the 21st Century (TEA-21).

Section 2. That the Clerk of Council is hereby requested to transmit copies of this resolution to U.S. Sen-

ator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs Jones, Congressman Steven LaTourette, and the Board Members of the National League of Cities.

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

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. 2464-03.

By Council Member O'Malley.

An emergency resolution objecting to a New C1 Liquor Permit at 6501 Denison Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 3571080; 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 Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Deni-

son Avenue, Cleveland, Ohio 44102, Permanent Number 3571080, 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. 2466-03.

By Council Member Cimperman.

An emergency resolution expressing this Council's commitment to working with the private sector and other governmental entities to develop a comprehensive Cuyahoga County region homeless plan and strategy; declaring the need for such plan to include the development of a regional consortium of services that provide temporary emergency shelter, transitional housing, and supportive services for homeless individuals; declaring the need for such plan to ensure the creation and development of new homeless shelters that are able to meet the needs of current homeless individuals in the Cuyahoga County region; expressing this Council's support of the downtown Councilmember in his efforts to develop a comprehensive plan addressing the region's homeless issues; and extending this Council's gratitude and appreciation to entities and individuals in Cuyahoga County that are currently working with homeless individuals to provide emergency shelter, transitional housing, and supportive services.

Whereas, this Council is committed to working with the private sector and other governmental entities to develop a regional consortium of services that provide temporary emergency shelters for homeless individuals, transitional housing for homeless individuals, and supportive services for homeless individuals; and

Whereas, the goal of this regional consortium of services is to provide homeless individuals with the necessary skills and resources to live self sufficiently; and

Whereas, the supportive services component includes access to job training, health care, child care services, educational counseling, legal assistance and other necessary services; and

Whereas, the development of this regional consortium of services requires proper planning to ensure

that homeless individuals in the Cuyahoga County region are provided with adequate, appropriate, and helpful services, including supportive housing, and efficient and effective use of taxpayer dollars and private contributions; and

Whereas, proper planning of homeless shelters requires the creation and development of shelters that are able to meet the needs of all the homeless individuals in the Cuyahoga County region; and

Whereas, a lack of planning in the past has resulted in the development of homeless shelters that lack the space and capacity to provide adequate housing to the region's homeless individuals; and

Whereas, it is the responsibility of the region to develop a plan and strategy that meets the needs of the region's homeless individuals, including housing services and supportive services throughout the region; and

Whereas, the successful development of such plan involves the cooperation and resources of the region's governmental entities, the private sector, and public service agencies; and

Whereas, it is imperative that the development of such plan incorporate suggestions and resolve concerns of individuals that reside, and business that operate, near entities that provide homeless assistance; and

Whereas, the region's homeless individuals primarily live in the downtown area and the downtown area is home to several homeless shelters and transitional housing units; and

Whereas, the Councilmember representing the downtown area is committed to working with all stakeholders to develop and implement a comprehensive homeless service plan that meets the needs of the region's homeless individuals and respects the concerns of neighborhoods; and

Whereas, the Councilmember representing the downtown area is looking to develop a comprehensive plan, in conjunction with the region's local governments, the private sector, and public service agencies, to address homeless issues and to provide a consortium of services to homeless individuals; and

Whereas, this plan would provide housing and supportive services to the region's homeless individuals in a medical arts building; and

Whereas, this plan would meet the housing needs of the region's homeless individuals and would not require overflow housing; and

Whereas, this Council supports the downtown Councilmember in his efforts to develop a plan that ensures that the Cuyahoga County region's homeless individuals are provided with appropriate, adequate, and helpful services in Cleveland and throughout the region; 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 commitment to working with the private sector and other governmental entities to devel-

op a comprehensive Cuyahoga County regional homeless plan and strategy that provides homeless individuals with the necessary skills and resources to live self sufficiently.

Section 2. That this Council hereby declares the need for a comprehensive Cuyahoga County regional homeless plan and strategy that includes the development of a regional consortium of services that provide temporary emergency shelter, transitional housing, and supportive services for homeless individuals.

Section 3. That this Council hereby declares the need for the proper development of a comprehensive homeless plan and strategy that ensures the creation and development of new homeless shelters are able to meet the needs of current homeless individuals in the Cuyahoga County region.

Section 4. That this Council hereby declares its support of the downtown Councilmember in his efforts to develop a comprehensive regional homeless plan that provides appropriate, adequate, and helpful services to the region's homeless.

Section 5. That this Council extends its gratitude and appreciation to entities and individuals in Cuyahoga County who are currently working with homeless individuals in Cuyahoga County to provide emergency shelter, transitional housing, and supportive services.

Section 6. 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. 2467-03.

By Council Member Cimperman.
An emergency resolution declaring this Council's insistence that any future construction, creation, and development of new homeless shelters include a plan ensuring the new shelter will be able to meet current needs of the homeless population to be served by the shelter; declaring this Council's support of downtown Councilmember in his efforts to develop a comprehensive plan addressing the needs of the region's homeless individuals; declaring this Council's support of the use of Aviation High School as emergency shelter overflow space; declaring this Council's support of the use of the basement or lower level of City Hall as an overflow shelter for homeless men in the event that the use of Aviation High School is not feasible; and encouraging the region's governmental entities, private sector, public service agencies, neighborhood groups, and businesses to work together to ensure the implementation of homeless plans that address the needs of the region's homeless individuals and ensure the efficient and effective expenditure of taxpayer dollars and private contributions.

Whereas, this Council is committed to working with the private sector and other governmental entities to develop a regional consortium of services that provide temporary emergency shelters for homeless individuals, transitional housing for homeless individuals, and supportive services for homeless individuals; and

Whereas, the goal of this regional consortium of services is to provide homeless individuals with the necessary skills and resources to live self sufficiently; and

Whereas, the supportive services component includes access to job training, health care, child care services, educational counseling, legal assistance and other necessary services; and

Whereas, the development of this regional consortium of services requires proper planning to ensure that homeless individuals in the Cuyahoga County region are provided with adequate, appropriate, and helpful services, including supportive housing, and efficient and effective use of taxpayer dollars and private contributions; and

Whereas, proper planning of homeless shelters requires the creation and development of shelters that are able to meet the needs of all the homeless individuals in Cuyahoga County; and

Whereas, approximately one hundred (100) women and children currently receive temporary housing services in the downtown Cleveland area; and

Whereas, the current proposal for creation and development of a women's and children's homeless shelter in the downtown Cleveland area would provide shelter for approximately seventy-five (75) homeless women and children; and

Whereas, this current proposal is inadequate as it would fail to provide housing services to the current number of homeless women and children seeking shelter; and

Whereas, as a result of this failure, more than twenty-five (25) homeless women and children will be turned away from the shelter each night; and

Whereas, the shelter currently proposed will not be available for use until after this winter season; and

Whereas, this Council feels it is a gross disservice to Cuyahoga County's homeless women and children and that it is the irresponsible and inappropriate use of dollars allocated for homeless services to create and develop a shelter for women and children that, at its opening, will fail to provide shelter for the current population of women and children currently receiving such assistance; and

Whereas, the current shelter proposal requires the use of property that is currently providing homeless assistance services and it is unclear what effect the shelter proposal will have on the provision of these services; and

Whereas, the Council with representatives from the homeless service provider community is developing a comprehensive plan to address homeless issues and provide a consortium of services to homeless individuals; and

Whereas, one of the goals of the plan is to provide housing and supportive services to the region's homeless individuals in a medical arts building that takes into account the mental and physical needs of our homeless community; and

Whereas, another goal of the plan is to meet the housing needs of the region's homeless women and children in a manner that would not require overflow housing; and

Whereas, the Council looks forward to working with the Mayor, Cuyahoga County, the private sector, public service agencies, neighborhood groups and businesses to ensure the development and implementation of a comprehensive plan that provides appropriate, adequate, and helpful services to the region's homeless individuals and the efficient and effective expenditure of taxpayer dollars and private contributions; and

Whereas, this Council supports the Councilmember representing the downtown area in his efforts to develop a comprehensive plan addressing the needs of the region's homeless individuals; and

Whereas, this Council is concerned about and troubled by the current need for additional emergency shelter space to house homeless men in Cuyahoga County; and

Whereas, there is currently a shortage of emergency shelter space for more than seventy homeless men; and

Whereas, these homeless men are forced to sleep on the region's public streets and sidewalks in the bitter cold; and

Whereas, this Council is committed to working with the Salvation Army to address this shelter shortage; and

Whereas, such commitment includes the use of General B.O. Davis Jr. Aviation High School ("Aviation High School") on North Marginal Road as emergency shelter overflow space; and

Whereas, in the event that such use of Aviation High School is not feasible, this Council supports the use of the basement or lower level of City Hall as an overflow shelter for homeless men; and

Whereas, such use will provide temporary shelter to approximately one hundred (100) homeless men; and

Whereas, such use will reflect the City's commitment to addressing homeless issues and to working with current entities that provide shelter to homeless individuals; and

Whereas, the region's homeless individuals primarily live in the downtown area and homeless individuals turned away from homeless shelters because of capacity issues may often be found sleeping in locations near and around City Hall; and

Whereas, in light of this fact and the bitter cold weather upon the Cleveland area, this Council supports the use of the basement or ground floor of City Hall as an overflow shelter for homeless individuals in the event that the use of Aviation High School as emergency shelter overflow space is not feasible; and

Whereas, the Councilmember representing the downtown area has indicated the need and importance

of including the region's governmental entities, the private sector, public service agencies, neighborhood groups, and local businesses in discussions addressing the region's homeless issues; and

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

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

Section 1. That this Council hereby declares its insistence that any future construction, creation, and development of new homeless shelters include a plan ensuring the new shelter will be able to meet current needs of the homeless population to be served by the shelter and, thereby, eliminate the need for immediate overflow shelter space.

Section 2. That this Council hereby declares its support of the downtown Councilmember in his efforts to develop a comprehensive plan addressing the needs of the region's homeless individuals.

Section 3. That this Council hereby declares its support of the use of Aviation High School as emergency shelter overflow space for homeless individuals.

Section 4. That this Council hereby declares, in the event that the use of Aviation High School as emergency shelter overflow space is not feasible, its support of the use of the basement or lower level of City Hall as overflow shelter for homeless men.

Section 5. That this Council encourages the region's governmental entities, private sector, public service agencies, neighborhood groups, and businesses to work together to ensure the implementation of homeless plans that address the needs of the region's homeless individuals and ensure the efficient and effective expenditure of taxpayer dollars and private contributions.

Section 6. 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.

Council Member Reed left the meeting.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 369-99.

By Councilmen Johnson, Jones and Robinson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the City of Cleveland's municipal parking lot between East 116th, East 117th and Buckeye Avenue to the Buckeye Area Development Corporation.

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

1. In Section 3 at the end, add the following: "**That the deed shall contain a provision granting reversionary rights to the City if the project and plans for development of the property are not reviewed and approved by the Department of Community Development and the City Planning Commission and if the constructed project does not conform to the approved plans.**,"

Amendment agreed to.

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

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

Ord. No. 2028-02.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 133.172 relating to licensing the image of the Cleveland Browns Stadium.

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

1. Strike the title, the second whereas clause and Section 1 in their entirety and insert the following:

"**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more license agreements with MBI, Inc., d.b.a. Danbury Mint, to use the image of the Cleveland Brown Stadium.**

Whereas, the City has received requests from MBI, Inc., d.b.a. Danbury Mint, to use the image of the Cleveland Browns Stadium on a Cleveland Brown throw blanket and pillow and the City may receive additional requests; and

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties may enter into one or more license agreements with MBI, Inc., d.b.a. Danbury Mint, to use the image of the Cleveland Brown Stadium ("Intellectual Property") for a fee determined by the Board of Control. Any license agreement issued shall not be construed to convey any right, title, or interest in the Intellectual Property or in any improvements, changes, and/or modifications to the Intellectual Property.

Amendments agreed to.

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

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

Ord. No. 504-03.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7308 Montgomery Avenue to Craig C. Wallace.

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

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

Ord. No. 1178-03.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 2094-01, passed March 11, 2002, relating to the sale of real property as part of the Land Reutilization Program located at 3514 East 91st Street.

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

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

Ord. No. 1220-03.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.16 relating to applying and accepting federal and state grants.

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

1. In Section 1, in new Section 139.16, in the first line of the first paragraph and the first line of the second paragraph, strike "That the" and insert "**The**".

Amendment agreed to.

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

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

Ord. No. 1235-03.

By Council Member Dolan.

An emergency ordinance to repeal the various sections of the Codified Ordinances of Cleveland, Ohio, 1976, that comprise Chapter 670 of the Offenses and Businesses Code, as enacted and amended by various ordinances, pertaining to armed security guards.

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

1. In Section 1, strike lines 3, 4, 5, 6, 7, 8, and 9 in their entirety and insert the following:

"**Section 670.01, as amended by Ordinance No. 90-96, passed March 18, 1996,**

Sections 670.02 and 670.03, as enacted by Ordinance No. 163-C-79, passed March 30, 1981,

Section 670.04, as amended by Ordinance No. 2393-02, passed February 3, 2003.

Section 670.041, as enacted by Ordinance No. 2838-90, passed April 8, 1991.

Sections 670.05, 670.06, 670.07, and 670.08, as enacted by Ordinance No. 163-C-79, passed March 30, 1981.

Section 670.09, as amended by Ordinance No. 90-96, passed March 18, 1996.

Sections 670.10, 670.11, and 670.12, as enacted by Ordinance No. 163-C-79, passed March 30, 1981.

Section 670.13, as amended by Ordinance No. 90-96, passed March 18, 1996, and

Section 670.14 through and including Section 670.25 and 670.99, as enacted by Ordinance No. 163-C-79, passed March 30, 1981."

Amendments agreed to.

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

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

Ord. No. 1484-03.

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

An emergency ordinance to supplement Ordinance No. 2152-02, passed December 9, 2002, by adding new Section 2b, relating to authorizing the Director of Finance to employ professional consultants and to make purchases in order to implement a Citywide data and voice strategic plan.

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

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

Ord. No. 1501-03.

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

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contracts with various non-profit agencies for the implementation of homeless assistance activities and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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

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

"Section 5. That any contract entered into under the authority of this ordinance shall contain the following provision:

Funds provided under this contract shall not be used for the creation, establishment, or development of a housing program and/or emergency men's or emergency women's and children's homeless shelter in a new location unless the housing program or shelter has submitted a plan to the Director of Community Development showing that the new housing program or shelter is able to meet the needs of the current homeless population to be served by the housing program or shelter and

the plan states that overflow or additional temporary housing space is not needed. On receipt of the plan and prior to the execution of a contract, the Director of Community Development shall promptly forward a copy of the plan to the Council Member representing the ward in which the housing program or shelter is located.

Funds provided under this contract shall not be used for the expansion of an existing housing program and/or emergency men's or emergency women's and children's homeless shelter unless the housing program or shelter has submitted a plan to the Director of Community Development showing that the new housing program or shelter is able to meet the needs of the current homeless population to be served by the housing program or shelter and the plan states that overflow or additional temporary housing space is not needed. On receipt of the plan and prior to the execution of a contract, the Director of Community Development shall promptly forward a copy of the plan to the Council Member representing the ward in which the housing program or shelter is located."

2. Rename existing Section 5 to new "Section 6."

Amendments agreed to.

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

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

Ord. No. 1503-03.

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

An emergency ordinance declaring the property located at 12309 Kinsman Avenue blighted premises under Sections 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell the premises 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, City Planning, Finance.

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

Ord. No. 1803-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more lease agreements with Bass Energy Company, Inc. to explore for, drill for, operate for, produce and remove oil, gas and all constituents from various City owned real property and to transport the oil and gas from other properties through City owned real property.

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

1. In Section 1, line 5, strike "Plant," and insert "Plant, and the"; and in lines 6 and 7, strike "and all

other property under the Director of Public Utilities' control".

Amendment agreed to.

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

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

Ord. No. 1933-03.

By Council Member Zone.

An emergency ordinance designating Primera Iglesia Adventista del Septimo Dia Hispana de Cleveland (former Franklin Avenue Congregational Church) as a Cleveland Landmark.

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

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

Ord. No. 1968-03.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with C.K. Newcomb and Associates, Inc. for the lease of general office and storage space at Burke Lakefront Airport, for the Department of Port Control.

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

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

Ord. No. 2030-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control.

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

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

Ord. No. 2031-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2032-03.

By Council Member Westbrook.
An emergency ordinance to vacate a portion of West 92nd Street.
Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance; when amended as follows:

1. In Section 3, line 3, strike "its approval" and insert "**its passage**".

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

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

Ord. No. 2033-03.

By Council Member Westbrook.
An emergency ordinance to vacate a portion of Stanhope Court, N.W.
Approved by Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance; when amended as follows:

1. In Section 3, line 3, strike "its approval" and insert "**its passage**".

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

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

Ord. No. 2034-03.

By Council Member Lewis (by request).
An emergency ordinance to vacate a portion of Belvidere Avenue and East 56th Place.

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

1. In Section 4, line 3, strike "its approval" and insert "**its passage**".

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

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

Ord. No. 2035-03.

By Council Member Cimperman (by request).
An emergency ordinance to vacate a portion of Penn Court, N.W.

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

1. In Section 2, line 2, strike "of East Ohio Gas" and insert "**East Ohio**".

2. In Section 4, line 3, strike "its approval" and insert "**its passage**".

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

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

Ord. No. 2041-03.

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 2004 EMS Training Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.

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

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

Ord. No. 2042-03.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease City-owned property located in Wade Park, which includes a maintenance facility, to the Cleveland Museum of Art, for a term not to exceed ninety-nine years, with one option to extend the term for an additional ninety-nine years; authorizing the Director of Public Service to employ one or more professional consultants to design a new maintenance facility to be located in Rockefeller Park; determining the method of making the public improvement of constructing the new facility; and authorizing the director to enter into one or more public improvement contracts for the making of the improvement.

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

1. In the title, lines 6, 7 and 8, strike ", with one option to extend the term for an additional ninety-nine years".

2. Strike the third whereas clause in its entirety and insert: "**Whereas, the Cleveland Museum of Art will use the property for construction-related activities until its renovations are complete; and**".

3. In Section 2, strike lines 2 and 3 in their entirety and insert "**nine-ty-nine years**".

4. In Section 1, strike lines 5 and 6 in their entirety and insert: "**land and maintenance facility for construction-related activities during its renovations and to maintain the property for park purposes after its renovations are complete. The property to be leased is described as follows**".

5. Strike Section 4 in its entirety and insert: "**Section 4. That the lease may authorize the Lessee, subject to the approval of appropriate City agencies and officials, to make improvements to the leased premises; to place construction trailers and construction materials on the leased premises, and to screen and secure the leased premises, during its renovations; and to demolish the maintenance facility**".

6. In Section 5, line 2, after "authority" insert "**, with the approval of Council**".

7. In Section 7, strike line 4 and insert: "**appropriate to effect the lease and the limited release and conveyance of restrictive covenants authorized by this ordinance**".

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

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

Ord. No. 2090-03.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Lorain Avenue between West 41st Street and West 65th Street; authorizing the Director of Public Service to enter into any agreements relative thereto; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more contracts for the making of the improvement; and authorizing the Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation regarding the public improvement.

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

1. In Section 10, at the end, after "purpose." insert "**(RL 138337)**".

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

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

Ord. No. 2138-03.

By Council Member Cimperman.
An emergency ordinance authorizing the Director of Public Utilities to lease City-owned property to Harp Restaurant, for a term of fifty (50) years with one option to renew for an additional fifty (50) year term.

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

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

Ord. No. 2139-03.

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 and maintain pump stations, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Ord. No. 2140-03.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Checkpoint Mailers Incorporated for operation of secured drop boxes at each of the three passenger security checkpoints in the terminal building at Cleveland Hopkins International Airport, for a period of three years, with two one-year options to renew.

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

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

Ord. No. 2141-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of air filters, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2150-03.

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 U.S. Department of Justice for the COPS Homeland Security Over-time Program.

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

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

Ord. No. 2151-03.

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

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

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

1. Insert a new Section 8 to read as follows:

"Section 8. That when funds allocated for council members for determination of projects are used, the costs for the services of the Division of Research, Planning and Development of the Department of Parks, Recreation and Properties shall not be deducted from the council member's allocation, unless the council member agrees to that deduction in writing."

2. Renumber existing Sections 8 and 9, to new **"Section 9"** and **"Section 10"**.

Amendments agreed to.

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

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

Ord. No. 2153-03.

By Council Member Zone (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an Option Agreement with Jacobs Investments, Inc. for and on behalf of River's End Marina Development, Inc. regarding the conveyance of the Cleveland Harbor Coast Guard Station buildings, docks and piers; authorizing the Commissioner of Purchases and Supplies to acquire the buildings, docks and piers; and authorizing the Director to lease from the Ohio Department of Natural Resources the underlying land on which the buildings are situated.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 2161-03.

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

An emergency ordinance authorizing the Director of Economic Development to lease property at 1468 East 55th Street from the Northeast Ohio Neighborhood Health Services, or their designees, for a term of seventeen months, for the public purpose of operating the East Side office of the Cleveland One-Stop Career Center located at 1468 East 55th Street.

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

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

Ord. No. 2175-03.

By Council Member Jackson (by departmental request).

An emergency ordinance designating the Chief Technology Office

of the City of Cleveland to serve in her official capacity as a Class C Director on the OneCleveland Board of Directors; and authorizing the City of Cleveland to participate in OneCleveland as a charter member.

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

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

Ord. No. 2186-03.

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

An emergency ordinance authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Sections 116 and 126 of the Charter of the City of Cleveland, relating to the police force, control by Chief, and division into classified and unclassified service.

Approved by Directors of Public Safety, Law; Committees on Public Safety, Legislation, Finance; when amended as follows:

1. Insert new Section 1 to read as follows:

"Section 1. That the actions authorized and directed in this ordinance by this Council and the Clerk of Council are taken under the requirements of Section 200 of the Charter of the City of Cleveland, and in accordance with legal opinion contained in File No. 2186-03-A."

2. Renumber existing Sections 1 through 7 as new **"Section 2"**, **"Section 3"**, **"Section 4"**, **"Section 5"**, **"Section 6"**, **"Section 7"**, and **"Section 8"**.

3. In existing Section 1, at Charter Section 126, in division 1.(d), line 1, strike "eleven" and insert **"twelve"**.

4. In existing Section 6, at the end strike the question mark and insert **"and to change the number of Commanders of Police included in the unclassified service in Charter Section 126 to twelve?"**.

Amendments agreed to.

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

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

Ord. No. 2222-03.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Betty Montgomery, Auditor of State to conduct a financial audit for 2003, for the Department of Finance.

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

1. In Section 1, line 4, strike **"\$360,000"** and insert **"\$410,000"**.

Amendment agreed to.

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

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

Ord. No. 2223-03.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with SBC Global Services, Inc. for maintenance on E911 positron equipment, for the Division of Information Technology and Services, Department of Finance, for a period of one year with two options to renew for additional one-year terms.

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

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

Ord. No. 2224-03.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 1714-02, passed September 16, 2002; to supplement the ordinance by adding new Section 3; and to renumber existing Section 3 to new Section 4, relating to City-wide paging and wireless service contracts, for the Division of Information Technology and Services, Department of Finance.

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

1. In Section 1, at amended Section 1, at the end, add the following: **"The Director of Finance is authorized to exercise the options to renew if there is a financial advantage to the City."**

Amendment agreed to.

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

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

Ord. No. 2225-03.

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 install or repair underground miscellaneous duct line, street lighting bases, and pull boxes, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Ord. No. 2228-03.

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 Cuyahoga County Board of Health for the Regional Metropolitan Medical Response Program; and to enter into one or more requirement contracts necessary to implement the program.

Approved by Directors of Public Safety, Finance, Law; Passage rec-

ommended by Committees on Public Safety, Finance; when amended as follows:

1. In the title, line 6, strike "requirement".

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

2. Insert new Section 4 and 5 to read as follows:

"Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program.

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

Section 5. That the Director of Public Safety shall report to the Council six months after the passage of this ordinance regarding implementation of the grant program."

3. Renumber existing Sections 4, 5 and 6 to "Section 6", "Section 7" and "Section 8".

Amendments agreed to.

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

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

Ord. No. 2229-03.

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 U.S. Department of Health and Human Services for the Metropolitan Medical Response System; and to enter into one or more requirement contracts necessary to implement the program.

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

1. In the title, line 6, strike "requirement".

2. In Section 3 at the end, add the following: **"That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agree-**

ments using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process."

2. Insert new Section 4 and 5 to read as follows:

"Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program.

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

Section 5. That the Director of Public Safety shall report to the Council six months after the passage of this ordinance regarding implementation of the grant program."

3. Renumber existing Sections 4, 5 and 6 to "Section 6", "Section 7" and "Section 8".

Amendments agreed to.

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

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

Ord. No. 2231-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of prisoner meals, for the Division of Police, Department of Public Safety.

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

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

Ord. No. 2232-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various medical supplies and equipment, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

Ord. No. 2233-03.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Supplemental Indenture of Lease Agreement with the Cleveland Botanical Garden to allow them to charge an admission fee and a parking fee.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2235-03.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 18619 Arrowhead Avenue for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Northeast Shores Development Corporation, or its designee.

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

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

Ord. No. 2236-03.

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

An emergency ordinance to appropriate property for the public purpose of constructing a recreational play field, located at 4103 Memphis Avenue.

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

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

Ord. No. 2238-03.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more consultants or one or more firms of consultants to provide professional services for pre-employment background and criminal checks for the Department of Personnel and Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 2239-03.

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

An emergency ordinance authorizing the Director of Personnel and

Human Resources to enter into one or more contracts with Recovery Resources to provide services relating to the Employee Assistance Program.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In Section 1, line 6, strike "\$150,000" and insert "\$25,000".

Amendment agreed to.

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

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

Ord. No. 2240-03.

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

An emergency ordinance to amend the title of Ordinance No. 1109-03, passed June 10, 2003; to enact new Sections 3, 4, 5, 6, 7, 8, and 9; and to renumber existing Section 3 to new Section 10, relating to a grant from the Ohio Department of Natural Resources for the Cleveland Lakefront Park Improvement Project.

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

1. In the title, line 4, after "6," insert "6a,".

2. In Section 3, at new Section 3, at the end, add the following: "**The work of SmithGroup JJR in association with the other firms shall include Wildwood, including Villa Angela Beach, and Euclid Beach State Parks.**"

3. In Section 3, after new Section 6, add the following new section:

"**Section 6a. That the Director of the City Planning Commission 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 facilitate public meetings and community discussion regarding the Cleveland Lakefront Park Improvement Project.**"

4. In Section 3, at new Section 7, line 2, strike "Sections 5 and 6" and insert "Sections 5, 6, and 6a".

Amendments agreed to.

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

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

Ord. No. 2242-03.

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

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

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

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

Ord. No. 2243-03.

By Council Members Coats, Johnson, Cimperman and Jackson.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 1050 East 152nd Street for the Department of Parks, Recreation and Properties; determining the method of making the public improvement of constructing an all-weather track and football-field complex; authorizing the director to enter into one or more public improvement contracts for the making of the improvement; authorizing the director to enter into one or more contracts with Behnke Associates, Inc. to design the improvement; authorizing the purchase by one or more requirement contracts of materials, equipment, and supplies necessary for the improvement; and authorizing the director to enter into a Joint Use Agreement with the Cleveland Municipal School District.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 2244-03.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 37th and 43rd Streets to Burten, Bell, Carr Development, Inc.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2245-03.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Lottie Sims.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2247-03.

By Council Member Cimperman.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement

with the Cleveland Theater District Development Corporation with respect to the levy of an assessment for the Cleveland Theater District.

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

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

Ord. No. 2248-03.

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

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

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

Ord. No. 2302-03.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to acquire one or more Kronos software licenses for a citywide time and attendance system; authorizing the Director to employ consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary for installing, designing, training, implementing, testing, maintenance, technical support, and other related time and attendance system issues; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the Kronos system, including maintenance, for the various divisions of City government.

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

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

Ord. No. 2304-03.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 178-03, passed May 12, 2003, relating to a contract for youth ski lessons for the 2004 ski season, for the Division of Recreation, Department of Parks, Recreation and Properties.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2305-03.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a

Concession Agreement with Abitibi Consolidated for operating a recycling program at various City recreation centers, for a period of not to exceed three years.

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

1. In Section 3, at the end, strike the period and insert ", including but not limited to, that Abitibi Consolidated shall maintain the areas adjacent to the dumpsters."

Amendment agreed to.

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

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

Ord. No. 2306-03.

By Council Member Johnson.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to purchase property for a storage facility at 2580 East 93rd Street and authorizing the Director of Parks, Recreation and Properties to enter into a management agreement with Buckeye Area Development Corporation for this property.

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

1. In Section 4, line 1, strike "10 SF 166" and insert "20 SF 392".

Amendment agreed to.

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

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

Ord. No. 2308-03.

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Ord. No. 2309-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Casnet for maintenance and support of Hyland software for the OnBase document management system for a period of two years.

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

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

Ord. No. 2310-03.

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 low-pressure steam boiler systems and appurtenances at facilities, for the Division of Water, Department of Public Utilities, for a two year period.

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

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

Ord. No. 2311-03.

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 and appurtenances, for the Division of Water, Department of Public Utilities, for a two year period.

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

1. In the title, line 6, strike "two year", and insert "one year".

2. In Section 1, line 3, strike "two years" and insert "one year".

Amendments agreed to.

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

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

Ord. No. 2312-03.

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 roofs and appurtenances, for the Division of Water, Department of Public Utilities, for a two year period.

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

1. In the title, line 5, and in Section 1, line 7, strike "Division of Water" and insert in both places "Divisions of Water, Cleveland Public Power, and Water Pollution Control".

Amendment agreed to.

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

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

Ord. No. 2313-03.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional

consultants to design a mobile unit to dechlorinate, reduce turbidity, collect solids, measure and log residual chlorine and turbidity levels of discharges from storage tanks, hydrants, treatment plants, or any other locations where chlorinated water is discharged; and authorizing the purchase by one or more contracts of labor and materials necessary to assemble, install, and test the mobile dechlorination unit, for the Division of Water, Department of Public Utilities.

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

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

Ord. No. 2314-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, for the Division of Water, Department of Public Utilities, for a two year period.

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

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

Ord. No. 2315-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts without competitive bidding with Datamatic, Ltd. for the purchase of a pilot program for the automatic meter readings firefly system for all commercial accounts in the Cities of Beachwood and Brunswick, including equipment and installation, for the Division of Water, Department of Public Utilities.

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

1. Insert new Section 3 to read as follows:

"Section 3. That the Director of Public Utilities shall report the results of the pilot program to the Council within six months of the start of the pilot program."

2. Renumber existing Section 3 to new "Section 4".

Amendments agreed to.

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

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

Ord. No. 2316-03.

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 for analysis, identification, storage, remediation, transportation, recycling, and disposal of various chemicals, products,

and other hazardous and non-hazardous recyclable waste, for the Division of Water, Department of Public Utilities, for a two year period.

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

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

Ord. No. 2317-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical and water system maintenance equipment, electrical supplies, and appurtenances, for the Division of Water, Department of Public Utilities, for a two year period.

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

1. In the title, lines 5 and 6, and in Section 1, line 7, strike "Division of Water" and insert in both places **"Divisions of Water, Cleveland Public Power, and Water Pollution Control"**.

Amendment agreed to.

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

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

Ord. No. 2319-03.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an one or more agreements with Cleveland Housing Network to provide various customer services to low income home owners or for rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities.

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

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

Ord. No. 2320-03.

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 Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2004 Caribbean Gang Task Force Program; and to enter into contracts necessary to implement the program.

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

1. In Section 4, line 2, strike "Fund Nos. 10 SF 025 and 20 SF 049" and insert **"the cash match"**.

Amendment agreed to.

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

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

Ord. No. 2321-03.

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 Cuyahoga county Juvenile Court for the 2004 Juvenile Community Diversion Program; and to enter into one or more agreements with a Partnership for a Safer Cleveland to implement the program.

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

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

Ord. No. 2322-03.

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 Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2004 Byrne Memorial Grant, Cleveland Team Approach to Domestic Violence Program.

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

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

Ord. No. 2323-03.

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 Office of Criminal Justice Services through the County Criminal Justice Services Agency for the Byrne Memorial Grant, 2004 Homeland Security Program; and to enter into contracts necessary to implement the program.

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

1. In Section 4, line 2, strike "Fund Nos. 10 SF 025 and 20 SF 049" and insert **"the cash match"**.

Amendment agreed to.

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

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

Ord. No. 2324-03.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with 2900 Detroit, Ltd. to provide for a ten-year, sixty-

five percent tax abatement for certain tangible real property improvements to assist with the construction and renovation of the former Van Roy Coffee Building at 2900 Detroit Avenue in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 2331-03.

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

An emergency ordinance authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing the Adelbert Road Bridge.

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

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

Ord. No. 2332-03.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Belvoir Boulevard between Euclid Avenue and the South Euclid corporation line; authorizing the Director of Public Service to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds; and to cause payment of the City's share to the Cuyahoga County Commissioners for the improvement.

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

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

Ord. No. 2335-03.

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

An emergency ordinance to amend Section 13 of Ordinance No. 1655-99, passed November 29, 1999, relating to the construction of Bessemer Avenue Extension Phase I.

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

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

Ord. No. 2336-03.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1901-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the

cost of rehabilitating and reconstructing West 53rd Street Bridge, Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge, and the West 74th Street Bridge.

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

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

Ord. No. 2337-03.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 60592, for construction of the new apparatus addition at Fire Station #39 and alterations to existing building, with Schirmer Construction Co., for the Department of Public Service.

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

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

Ord. No. 2338-03.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1245-92, passed June 15, 1992, relating to a cause payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing the W 44th Street Bridge.

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

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

Ord. No. 2364-03.

By Council Member Cimperman.

An emergency ordinance designating Tremont School as a Cleveland landmark.

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

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

Ord. No. 2365-03.

By Council Member Cimperman.

An emergency ordinance designating Stanard School as Cleveland Landmark.

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

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

Ord. No. 2395-03.

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.

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

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

Ord. No. 2396-03.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Northeast Ohio African American Health Network to provide HIV-prevention education to HIV-positive populations in the City of Cleveland.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 2397-03.

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 Kaiser Permanente of Ohio for the Worksite Wellness, Steps to a Healthier Cleveland Program; and to enter into one or more agreements with various agencies to implement the program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 2398-03.

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.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

Ord. No. 2399-03.

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

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, from Mural Properties Company, or its designee, for the purpose of providing office and administrative space for the Department of Public Health, for a period up to two years.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

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

Ord. No. 2401-03.

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

An emergency ordinance authorizing the purchase by one or more contracts of computer hardware, appliances, and furniture, for the Department of Community Development.

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

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

Ord. No. 2402-03.

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

An emergency ordinance authorizing the Director of Community Development to employ one or more professional consultants to design a software upgrade for Phase 3 of the HUD data geocoding project.

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

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

Ord. No. 2403-03.

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

An emergency ordinance authorizing the Directors of Community Development and Consumer Affairs to amend Contract No. 60422 with Housing Advocates, Inc. to provide additional anti-predatory counseling services to City residents.

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

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

Ord. No. 2406-03.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contracts with Deloitte & Touche LLP to provide continuing services relating to the Empowerment Zone's review and analysis.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 2166-03.

By Council Member Gordon.

An ordinance to change the zoning of properties located on the Northeast corner of Pearl Road and Henninger Road from a Semi Industry Use District to a Local Retail Use District (Map Change No. 2095, Sheet No. 2).

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

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

Ord. No. 2167-03.

By Council Member Polensek.

An ordinance to change the zoning of properties located west of Pearl Road, between Brookside Park Drive and Broadview Road from a General Retail Use District to a Local Retail Use District and from a "3" and a "1" Height District to a "2" Height District (Map Change No. 2096, Sheet No. 2).

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

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

Ord. No. 2168-03.

By Council Member Polensek.

An ordinance to change the zoning of the easternmost portion of Lake Shore Shopping Plaza, south of Lake Shore Boulevard from a General Retail Use District to a One-Family Residential Use District (Map Change No. 2090, Sheet No. 7).

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

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

Ord. No. 2169-03.

By Council Member Polensek.

An ordinance to change the zoning of properties at Margaret Spelacy Junior High School and Saranac Playground, south of Saranac Road and east of East 162nd Street from General and Semi-Industry Districts to a Two-Family District and to change the Height District from "3" to "1". (Map Change No. 2086, Sheet No. 7).

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

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

Ord. No. 2170-03.

By Council Member Polensek.

An ordinance to change the zoning of the Lake Shore Shopping Plaza, south of Lake Shore Boulevard between East 156th Street and East 161st Street from a General Retail Use District to a Shopping Center Use District (Map Change No. 2089, Sheet No. 7).

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

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

Ord. No. 2171-03.

By Council Member Polensek.

An ordinance to change the zoning of properties at the Northwest corner of Damon Avenue and East

156th Street from a General Retail Use District to a Two-Family Use District; from a "C" Area District to a "B" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2094, Sheet No. 7).

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

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

Ord. No. 2172-03.

By Council Member Polensek.

An ordinance to change the zoning of properties south of Saranac Road, between East 154th Place and East 156th Street from a General Retail Use District to a Local Retail Use District (Map Change No. 2091, Sheet No. 7).

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

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

Ord. No. 2173-03.

By Council Member Reed.

An ordinance to expand the Mt. Pleasant Business Revitalization District. (Map Change No. 2088, Sheet No. 10)

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

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

Ord. No. 2249-03.

By Council Member Polensek.

An ordinance to change the zoning of properties south of Saranac Road, between East 159th Street and East 162nd Street from a General Retail Use District to a Multi-Family Use District (Map Change No. 2093, Sheet No. 7)

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

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

Ord. No. 2250-03.

By Council Member Dolan.

An ordinance to change the zoning of property located at the northwest corner of West 168th Street and Albers Avenue from a Local Retail Use District to a Parking District and from a "2" Height District to a "1" Height District (Map Change No. 2097, Sheet No. 12)

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

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

Ord. No. 2251-03.

By Council Member Gordon.

An ordinance to change the zoning of properties located west of Pearl Road, between Broadview

Road and Memphis Avenue from a General Retail Use District and Multi-Family Use District to a Local Retail Use District and from a "3" and a "1" Height District to a "2" Height District (Map Change No. 2100, Sheet No. 2)

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

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

Ord. No. 2252-03.

By Council Member Polensek.

An ordinance to change the zoning of properties south of Saranac Road, between East 156th Street and East 159th Street from a General Retail Use District to a Two-Family Use District (Map Change No. 2092, Sheet No. 7)

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 2147-03.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of widening Memphis Avenue, located at 4619 Memphis Avenue.

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

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

MOTION

By Council Member Westbrook seconded by Council Member Sweeney and unanimously carried that the absence of Council Member Dona Brady, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 9:45 p.m. to meet on Monday, January 5, 2004, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

December 10, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 10, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

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

Resolution No. 731-03.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Co., Inc. for the public improvement of Rockwell Avenue Sewer and Water Main Replacement (base bid all items alternate 1, including 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on October 30, 2003, pursuant to the authority of Ordinance No. 1072-02 & 2452-02 passed July 17, 2002 & March 31, 2003, upon a unit basis for the improvement, in the aggregate amount of One Million Nine Hundred Eighty Nine Thousand Six Hundred Eight and 95/100 Dollars (\$1,099,608.95), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said 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 Terrace Construction Co., Inc. for the above-mentioned public improvement is hereby approved:

Subcontractor

MBE/FBE Work

Vallejo Co.

MBE — \$165,000.00 — (15.01%)

Rockport Construction

FBE — \$55,000.00 — (5.00%)

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 732-03.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perk Company, Inc. for the public improvement of constructing & installing replacement sewers & rehabilitating & repairing

sewers at various locations by various methods, including base bid items plus 10% contingency allowance for the Division of Water Pollution Control, Department of Public Utilities, received on October 23, 2003, pursuant to the authority of Ordinance No. 1073-02, passed on June 17, 2002, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract, at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Five Hundred Twenty-Eight Thousand Seven Hundred Seventy and 00/100 Dollars (\$528,770.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby requested to enter into a Requirement Contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 137401

which shall be certified against such contract in the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Perk Co., Inc. for the contract authorized herein is approved:

Subcontractor

MBE — Work

McTech Corporation

MBE — \$81,315.00 — (15.38%)

Cuyahoga Supply & Tool

FBE — \$5,461.00 — (1.03%)

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 733-03.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that the bid of Marsh USA Inc. for the following: Fire, Boiler and Machinery & Extended Insurance Coverage for Various Locations, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 13th day of November 2003, pursuant to the authority of Ordinance No. 1078-02, passed June 17, 2002 which on the basis of the order quantity would amount to \$360,000.00, is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Marsh USA Inc. for fire, boiler and machinery & extended insurance coverage for various locations for the above-mentioned Standard Contract is hereby approved:

<u>Subcontractor</u>	<u>MBE/FBE</u>
Pinkney-Perry Insurance	
\$10,000.00 — (MBE) — (2.79%)	

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 734-03.

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 2376-02, passed by Cleveland City Council on March 10, 2003 and Board of Control Resolution No. 691-03, adopted on November 12, 2003, this Board affirmed and approved Anthony Allega Cement Contractor as the lowest responsible bid for the public improvement of constructing taxiways, ramps and runway improvements at Cleveland Hopkins International Airport; and

Whereas, Board of Control Resolution No. 691-03 incorrectly states the contingency percentage and selected alternate for Item 3-CLE Taxiway U Reconstruction and CLE Complex Intersection as "5% contingency (Item 3 Alternate E)", and as a result of which the contract amount was added incorrectly, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 691-03, adopted November 12, 2003 is amended to change the contingency percentage and selected alternate item for Item 3-CLE Taxiway U Reconstruction and CLE Complex Intersection from "5% contingency (Item 3 Alternate E)" to "3% contingency (Item 3, Alternate D)".

Be it further resolved that Resolution No. 691-03 is further amended by decreasing the aggregate contract amount from Seven Million Eight Hundred Forty Six Thousand Eight Hundred Seventy Four and 12/100 Dollars (\$7,846,874.12) to Seven Million Seven Hundred Forty Six Thousand One Hundred Fifty Four and 17/100 Dollars (\$7,746,154.17).

Be it further resolved that all other provisions of said Resolution No. 691-03 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 735-03.

By Director Ronayne.

Whereas, Resolution No. 681-03, adopted by this Board on November 5, 2003, pursuant to the authority of Ordinance No. 1264-03 passed by the Council of the City of Cleveland July 16, 2003, authorized the Director of Public Service to enter into an agreement with Clark & Post Architects, Inc. for professional design services necessary for building improvements for the city-wide recreation centers; and

Whereas, said Resolution No. 681-03 states the incorrect director and department; now, therefore

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 681-03, adopted November 5, 2003, is hereby amended by replacing the words "Director of Public Service" with "Director of Parks, Recreation, and Properties" in the fourth and sixth line in the first paragraph, and the first line in the second paragraph.

Be it further resolved, that all other provisions of said Resolution No. 681-03 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 736-03.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on November 5, 2003 for Glenville Recreation Center Playground Improvements for the Department of Parks, Recreation & Properties pursuant to the authority of Ordinance No. 1114-02 passed by the Council of the City of Cleveland on June 17, 2002 be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 737-03.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-16-036 under said Land Reutilization Program; and

Whereas, Ordinance No. 776-03 passed November 17, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Bernice McIntyre 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. 776-03 passed November 17, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Bernice McIntyre for the sale and development of Permanent Parcel No. 107-16-036, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 738-03.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 001-07-008 under said Land Reutilization Program; and

Whereas, Ordinance No. 694-03 passed November 17, 2003, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cudell Improvement, Inc. 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. 694-03 passed November 17, 2003, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cudell Improvement, Inc. for the sale and development of Permanent Parcel No. 001-07-008, 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: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

Resolution No. 739-03.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 134-06-050 located at 4082-84 East 91st Street in Ward 2; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an official Deed for and on behalf of the City of Cleveland, with Debra Kish for the sale and development of Permanent Parcel No. 134-06-050 located at 4082-84 East 91st Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Acting Director Appolito, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

CIVIL SERVICE NOTICE

**ANNOUNCEMENTS - 2003
12/15/03 — 12/30/03**

Announcement No.	Type Exam	Classification
199A	EE	Airport Safety Man (Open)

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing.** The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current.** Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

- Library cards.
- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

**APPROVED C.S.C MINUTES
ANNOUNCEMENT NO. 199A**

AIRPORT SAFETY MAN (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$14.19 - \$19.07 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, DECEMBER 15, 2003 UNTIL 4:30 P.M. ON TUESDAY, DECEMBER 30, 2003.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M ON TUESDAY, DECEMBER 30, 2003.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NOT LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under direct supervision, operates firefighting equipment at an airport and maintains fire trucks and unrelated equipment in good operating condition, and administers first aid.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or G.E.D. from an accredited institution is required. Must have a valid State of Ohio Driver's License. Must be able to lift a minimum of 150 lbs. Must have Paramedic certification, two hundred and forty (240) hour basic firefighting certification. Must have two (2) years experience in military, civilian aircraft, rescue firefighting experience. Must be able to pass ten (10) year FAA background check.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

NOTE: Those persons who are residents of the City of Cleveland and who received passing Scores shall have ten (10) additional points added to their grades. See accompanying list of acceptable forms of proof of residency applicants need to present at the time of filing.

AN EQUAL OPPORTUNITY EMPLOYER

REYNALDO GALINDO,
President

December 17, 2003

SCHEDULE OF THE BOARD OF ZONING APPEALS

**No Appeals will be heard on
December 29, 2003.**

**The regular Monday schedule
for the Board of Zoning Appeals
will resume on January 5, 2004.**

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS**MONDAY, DECEMBER 15, 2003**

At the meeting of the Board of Zoning Appeals on Monday, December 15, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-313: 2200 Overlook Road

Overlook Ventures LLC appealed to construct a one-story, 4,310 s/f building addition to an existing two-story church building in an A1 Residence Industry District.

Calendar No. 03-318: 1419 Kenilworth Avenue

Dennis McNulty appealed to erect a 14' x 20' one-story frame garage at the rear of a two-story dwelling in a Multi-Family District.

Calendar No. 03-319: 1914 East 75th Street

The Cedar Congregation of Jehovah's Witnesses appealed to construct an accessory parking lot on a 150' x 172' parcel where there's an existing one-story brick building in a Multi-Family District; subject to revised plan.

Calendar No. 03-321: 15912 Saranac Road

Sheila Frey appealed to install 316 1/2" of 4' high chain link fence at three sides of a vacant, irregular shaped corner parcel in a General Retail Business District.

Calendar No. 03-200: 3809 Pearl Road

Zion Pentecostal Temple appealed to change the use of a 40' x 90' one-story video store building into a church on a corner parcel in a Local Retail Business District.

Calendar No. 03-307: 3749 East 142nd Street

Steven Cooper appealed to change the use of a 22' x 97' one-story building from a Laundromat to a day care facility in a One-Family District.

Calendar No. 03-309: 13021 St. Clair Avenue

Clifford Daniel appealed to change the use of a 50' x 60' one-story masonry building from a church to an office, a retail store, a dance and banquet hall on a 100' x 126' corner parcel in a Local Retail Business District.

The following appeals were **Denied:**

None.

The following appeals were **Postponed:**

Calendar No. 03-315: 3611 Payne Avenue postponed to January 20, 2004.

Calendar No. 03-299: 2800 East 90th Street postponed to January 20, 2004.

The following appeals were **Dismissed:**

None.

On Monday, December 15, 2003, in Executive Session:

The following appeals were heard by the Board on Monday, December 8, 2003, and said decisions were approved and adopted in Executive Session on Monday, December 15, 2003:

The following appeals were **Approved:**

Calendar No. 03-310: 3304 East 126th Street

Mt. Pleasant Church of God appealed to construct an eleven car parking lot to the rear of an existing church located on a 120' x 290' parcel in a Two-Family District.

Calendar No. 03-312: 16107 Miles Avenue

New Jerusalem Church appealed to construct stairs, landings and a wheelchair lift to the front of a one-story brick church building located on a 60' x 111' parcel in a One-Family District.

Calendar No. 03-316: 4428 Bridge Avenue

Eric Fritz appealed to change the use of a two-story brick store and two dwelling suites to a beauty salon and two dwelling suites in a Two-Family District.

Calendar No. 03-289: 9616 Gaylord Avenue

Robert Lanier appealed to enclose a 14' x 10' front porch of a one family dwelling in a Two-Family District.

Calendar No. 03-292: 2600 Hamilton Avenue

Fleck & Associates appealed to erect a 39,587 s/f gymnasium and private club building with 15 sleeping rooms and a 62 space parking lot on a 480' acreage parcel in a General Industry District.

Calendar No. 03-302: 15235 Lorain Avenue

Tomken, Inc. appealed to erect a parking lot for new car sales on a 50' x 188' parcel in a General Retail Business District.

Calendar No. 03-303: 15310 Lorain Avenue

Ganley Real Estate Company appealed to erect a parking lot for auto sales and parking on a 213' x 172' irregular shaped parcel in a General Retail Business District.

The following appeal was **Denied:**

Calendar No. 03-287: 2207 East 33rd Street

Cellie Pittman appealed from a Violation Notice issued September 30, 2003 by the Building and Housing Department regarding access and maintenance of accessory off-street parking spaces, driveways and maneuvering areas.

In Executive Session on December 8, 2003, the following appeal that was heard by the Board on November 3, 2003 was adopted and approved:

Calendar No. 03-225: 11010 Woodland Avenue

Lafayette Carthon appealed to establish use of a first floor area of a two-story building as a day care in a General Retail Business District.

In Executive Session on December 15, 2003, the following appeals were Withdrawn at the appellants' requests.

Calendar No. 03-223: 1900 Train Avenue
Lesuer Enterprises, Inc. appealed to accommodate an expansion for a private club/assembly use in a General Industry District.

Calendar No. 03-306: 2572 Scranton Road
Charles Christopher Real Estate LLC appealed to change a tavern to a night club with live entertainment in split zoning for General Retail Business and Multi-Family Districts.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, JANUARY 2, 2004
Refill, Repair and Replace Fire Extinguishers, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2023-03, passed by the Council of the City of Cleveland, November 10, 2003.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, DECEMBER 18, 2003 AT 10:00 A.M., CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

Contract Pavement Marking, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 371-03, passed by the Council of the City of Cleveland, March 24, 2003.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, DECEMBER 22, 2003 AT 10:00 A.M., CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

Cab/Chassis with 25-Cub Yards Refuse Packer Body, for Various Divisions, Departments of Public Service, Parks, Recreation and Properties and Public Safety, as authorized by Ordinance No. 1845-02, October 7, 2002.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, DECEMBER 22, 2003 AT 4:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

December 10, 2003 and December 17, 2003

TRUCK AND CAR WASHING AND CAR WAXING, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 233-03, passed by the Council of the City of Cleveland, April 7, 2003.
THERE WILL BE A **MANDATORY** PRE-BID MEETING, TUESDAY, DECEMBER 30, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.
THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

December 10, 2003 and December 17, 2003

WEDNESDAY, JANUARY 7, 2004
Miscellaneous-Sized Steel Plates, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2021-03, passed by the Council of the City of Cleveland, November 10, 2003.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, DECEMBER 30, 2003 AT 1:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

December 10, 2003 and December 17, 2003

WEDNESDAY, JANUARY 7, 2004
Truck and Car Washing and Car Waxing, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 233-03, passed by the Council of the City of Cleveland, April 7, 2003.
THERE WILL BE A **MANDATORY** PRE-BID MEETING, TUESDAY, DECEMBER 30, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.
THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

December 10, 2003 and December 17, 2003

WEDNESDAY, JANUARY 7, 2004
Automotive Parts, Supplies and Services Necessary for the Maintenance of Airport Vehicles and Equipment, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 1687-03, passed by the Council of the City of Cleveland, October 13, 2003.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JANUARY 7, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

December 10, 2003 and December 17, 2003

THURSDAY, JANUARY 8, 2004
Presort Mail Services, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2024-03, passed by the Council of the City of Cleveland, November 10, 2003.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, DECEMBER 29, 2003 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

December 17, 2003 and December 24, 2003

THURSDAY, JANUARY 8, 2004
Paper & Cloth Wipers, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2022-03, passed by the Council of the City of Cleveland, November 10, 2003.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, DECEMBER 29, 2003 AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

Rental & Laundry of Work Clothing, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2137-03 pending.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, DECEMBER 30, 2003 AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

December 17, 2003 and December 24, 2003

WEDNESDAY, JANUARY 14, 2004
Citywide Scrap Metal Sales, authorized by Section 181.19, of the Codified Ordinances of Cleveland, Ohio, 1976.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JANUARY 7, 2004 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44113.

December 17, 2003 and December 24, 2003

THURSDAY, JANUARY 15, 2004
Fire Tower and Fire Academy HVAC, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 838-02, passed by the Council of the City of Cleveland, June 10, 2002.
THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 6, 2004 AT 10:00 A.M., FIRE ACADEMY, 32011 LAKESIDE AVENUE, CLEVELAND, OHIO.

December 17, 2003 and December 24, 2003

THURSDAY, JANUARY 15, 2004
Citywide Scrap Metal Sales, authorized by Section 181.19, of the Codified Ordinances of Cleveland, Ohio, 1976.
THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, JANUARY 7, 2004 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44113.

December 17, 2003 and December 24, 2003

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THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 6, 2004 AT 10:00 A.M., FIRE ACADEMY, 32011 LAKESIDE AVENUE, CLEVELAND, OHIO.

December 17, 2003 and December 24, 2003

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Fire Tower and Fire Academy HVAC, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 838-02, passed by the Council of the City of Cleveland, June 10, 2002.
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THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 6, 2004 AT 10:00 A.M., FIRE ACADEMY, 32011 LAKESIDE AVENUE, CLEVELAND, OHIO.

December 17, 2003 and December 24, 2003

FRIDAY, JANUARY 23, 2004

Sodium Hypochlorite Solution, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, JANUARY 8, 2004 AT 11:00 A.M., CROWN WATER TREATMENT PLANT, 955 CLAGUE RD., WESTLAKE, OHIO 44145.

December 17, 2003 and December 24, 2003

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 2409-03.

By Council Members Coats, Pierce Scott, Zone, Westbrook, Lewis, Cimperman, Sweeney, Conwell, Britt, White, Brady and Jones.

An emergency resolution requesting Cleveland Public Power to immediately issue a moratorium on all electric disconnections until April 15, 2004 and urging The Illuminating Company and Dominion East Ohio Gas to adopt a moratorium on all electric and gas disconnections for its customers this winter.

Whereas, temperatures have begun to fall as Cleveland residents brace for another bitterly cold winter; and

Whereas, many residents have been fighting a weak economy and rising energy costs, while struggling to pay their utility bills; and

Whereas, some families are forced to choose between paying their utility bills, buying food for their families, or seeking medical help; and

Whereas, no resident, especially our children and seniors, should face this winter without heat or light; and

Whereas, utility companies serving Cleveland residents should place the health, safety, and welfare of their customers above their bottom-line during our coldest months of the year; and

Whereas, this Council requests that any residents who have had their utilities disconnected on or after November 15, 2003 be allowed to reconnect their service at no cost; and any residents whose utilities were disconnected on November 1, 2003 and up to November 15, 2003 be able to reconnect their service for a minimal fee; 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 requests Cleveland Public Power to immediately issue a moratorium on all electric disconnections until April 15, 2004 and urges The Illuminating Company and Dominion East Ohio Gas to adopt a moratorium on all electric and gas disconnections for its customers this winter.

Section 2. The Clerk is directed to transmit copies to the Director of Public Utilities, the Director of Cleveland Public Power, the Commissioners for the Public Utilities Commission of Ohio, and representatives from the Illuminating Company and Dominion East Ohio Gas.

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 December 1, 2003.
Effective December 11, 2003.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, December 8, 2003
11:00 a.m.**

Public Service Committee: Present in Service: Sweeney, Chair; White, O'Malley, Zone. *Authorized Absence:* Jones, Vice Chair; Polensek, Cimperman, Brady, Johnson.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Westbrook, White. *Authorized Absence:* Brady, Reed, Pierce Scott.

**Monday, December 15, 2003
9:00 a.m.**

City Planning (Zoning) Committee: Present in Planning (Zoning): Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook. Member Pro-Tempore: Johnson, Gordon.

City Planning Committee: Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook. Member Pro-Tempore: Johnson, Gordon.

Public Parks, Recreation & Properties; Public Service; City Planning and Finance Committees:

Present in Parks: Johnson, Chair; White, Vice Chair; Cimperman, Dolan, Jones, Rybka, Sweeney.

Present in Service: Sweeney, Chair; Jones, Vice Chair; Cimperman, Johnson, O'Malley, Polensek, White, Zone. *Authorized Absence:* Brady.

Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Community and Economic Development; City Planning; and Finance Committees:

Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Public Service; City Planning and Finance Committees:

Present in Service: Sweeney, Chair; Jones, Vice Chair; Cimperman, Johnson, O'Malley, Polensek, White, Zone. *Authorized Absence:* Brady.

Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell,

Lewis, O'Malley, Pierce Scott, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Public Utilities; City Planning and Finance Committees:

Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Cintron, Jones, Polensek, Sweeney, Westbrook, Zone. *Authorized Absence:* Brady.

Present in Planning: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Health and Human Services and Legislation; and Finance Committees:

Present in Health: Britt, Chair; Zone, Vice Chair; Cintron, Conwell, Gordon, Pierce Scott, Polensek.

Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Gordon, Johnson, Rybka, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Employment, Affirmative Action and Finance Committees:

Present in Employ: Lewis, Chair; Conwell, Vice Chair; Cintron, Coats, Johnson, Reed, Polensek.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Legislation and Finance Committees:

Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Gordon, Johnson, Rybka, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Public Safety; Legislation and Finance Committees:

Present in Safety: Reed, Chair; Britt, Vice Chair; Cimperman, Coats, Conwell, Jones, White, Zone. *Authorized Absence:* Brady.

Present in Legislation: White, Chair; Pierce Scott, Vice Chair; Dolan, Gordon, Johnson, Rybka, Westbrook.

Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Brady.

**Tuesday, December 16, 2003
9:30 a.m.**

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cintron, Coats, Lewis, Reed, Zone. *Authorized Absence:* Cimperman, Vice Chair; Jones, Pierce Scott.

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