

The City Record

Official Publication of the Council of the City of Cleveland



April the Thirteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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Containing	PAGE
City Council	3
The Calendar	18
Board of Control	18
Civil Service	22
Board of Zoning Appeals	22
Board of Building Standards and Building Appeals	23
Public Notice	24
Public Hearings	24
City of Cleveland Bids	24
Adopted Resolutions and Ordinances	25
Committee Meetings	36
Index	36

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director

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

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

Teresa M. Beasley; Councilman Martin J. Sweeney.

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

Director Julius Ciaccia; Council President Frank G. Jackson.

CITY AUDIT COMMITTEE – Robert Rawson, Chairman; Bracey Lewis, Frank Jackson,

Stephen J. Strinisha, Teresa Beasley, Yvette M. Ittu.

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

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

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

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

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

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

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

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

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

Baulknlight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner,

Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair;

Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, APRIL 13, 2005

No. 4766

CITY COUNCIL

MONDAY, APRIL 11, 2005

The City Record

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City of Cleveland

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

1:30 P.M. — **Legislation Committee:** White, Chairman; Pierce 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, Pierce 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, Pierce Scott.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, April 11, 2005

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

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

Also present were Directors Beasley, Ciaccia, Mok, Ricchiuto, Rush, Williams, Routen, Huth, Fumich, Taylor, Johnson, Appolito, Brown and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Grady Stevenson, Jr., of Damascus Road Ministries Church of God in Christ. Pledge of Allegiance.

MOTION

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

VETO

File No. 2-05-A.

April 7, 2005

By Hand Delivery

The Honorable Frank G. Jackson
President of Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Re: **Ordinance No. 2-05**

Dear Council President Jackson:

As Mayor of the City of Cleveland, I take seriously my responsibility to manage the City, to provide quality services, to protect the public safety, and to ensure fiscal integrity. Because of this responsibility, I must return Ordinance No. 2-05 to you with my disapproval and veto noted on it.

Ordinance No. 2-05 authorizes the Director of Finance to enter into an amendment to Contract No. 38823 with North Point Garage Limited Partnership for the lease and operation of the North Point Garage. The ordinance as presented to the Council Committee on Finance on March, 28, 2005, reflected the negotiated terms agreed to by the tenant. In consideration for extending the lease for sixty-seven years, the tenant agreed to pay the City a one-time payment of \$3,750,000. This figure was supported by an appraisal that was presented to the Committee.

The City Council, over the objection of the tenant's representative, amended the ordinance to require a one-time payment of \$3,750,000 in consideration for extending the lease for only forty-nine years. The City Council took this action with the full knowledge that an appraisal valued a forty-nine year extension of the lease at \$3,250,000, not \$3,750,000. Moreover, the City Council amended the ordinance to require that a provision be inserted in the lease to allow the City to reclaim the lease without the necessity of eminent domain. Again, the City Council took this action without the agreement of the tenant. More

importantly, the Council took this action without any consideration as to the impact of this reclaim provision on the financing and operation of the garage.

In short, the Council changed the agreement negotiated by the Administration with the tenant without obtaining the tenant's consent. Although the Council was informed of the problems with the amendments, the Council acted anyway. As a result, the Council has effectively rejected a proposal that would have resulted in badly needed revenue to the City and preserved a needed parking facility adjoining North Point, with ready access to the lake-front museums and stadium.

For the above reasons, I hereby veto Ordinance No. 2-05.

Sincerely,
Jane L. Campbell,
Mayor

Received.

MAYOR'S APPOINTMENT COMMITTEE

File No. 498-05-A.

April 4, 2005

To the Honorable Council of the
City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Fair Campaign Finance Commission.

We have before us the Mayor's Letter wherein she names her appointment to the Fair Campaign Finance Commission:

Hilary Taylor
(New Appointment —
Term expires on July 1, 2007)

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chair
Jay Westbrook
Zachary Reed
Nelson Cintron, Jr.
Sabra Pierce Scott

Received.

Without objection Appointment Approved. Yeas 20. Nays 0.

COMMUNICATIONS

File No. 294-05-B.

Sworn Statement of official publication — Call & Post Newspaper — Public Hearing Notice of Ordinance No. 294-05 re: Waterloo Community Entertainment District. Received.

File No. 666-05.

From the Ohio Department of Natural Resources — State Park Parking Fees. Received.

File No. 667-05.

From the Ohio Department of Transportation — Cuyahoga County — City of Cleveland, Project No. 216(05) — copy of contract. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 668-05.

Re: New Application — 7346630 — Andrew Rich, 11201 Forest Avenue, first floor front. (Ward 4). Received.

File No. 669-05.

Re: New Application — 8087286 — Hannah Shihadeh, 3224 West 73rd Street. (Ward 17). Received.

File No. 670-05.

Re: New Application — 0029758 — Abraam Corporation, 2402 Brookpark Road. (Ward 16). Received.

File No. 671-05.

Re: Transfer of Ownership Application — 6208989 — MSGG Cleveland, LLC, 1009-17 Old River Road, first floor. (Ward 13). Received.

File No., 672-05.

Re: Transfer of Ownership Application — 3698985 — HDV Cleveland LLC, first floor & upper level & patio, 1045 Old River Road, Hallway Lobby, 1071 Front Avenue. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 675-05—Doris Lee Stephens.

Res. No. 676-05—Michael William Chambers.

Res. No. 677-05—Joaquin Gonsalves.

Res. No. 678-05—Margaret Means.

Res. No. 679-05—Tom Latezea.

RECOGNITION RESOLUTIONS

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

Res. No. 680-05 — James Rokakis.

Res. No. 681-05 — Dr. Elizabeth Balraj

Res. No. 682-05—Robert Klaiber.

APPRECIATION RESOLUTIONS

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

Res. No. 683-05 — Marjorie Witt Johnson.

Res. No. 684-05 — Cleveland Fire Station #41.

Res. No. 685-05 — Assistant Chief Brent Collins.

Res. No. 686-05 — Battalion Chief Tim McNamara.

Res. No. 687-05—Lt. Mike Daley.

Res. No. 688-05—Lt. Tom Lally.

Res. No. 689-05 — Fire Fighter Chris Baepler.

Res. No. 690-05 — Fire Fighter Mark Butler.

Res. No. 691-05 — Fire Fighter Mark Ehrett

Res. No. 692-05 — Fire Fighter Al Mikes.

Res. No. 693-05 — Fire Fighter Jamal Perrin.

WELCOME RESOLUTION

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

Res. No. 694-05 — Benjamin L. Hooks.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 631-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a gift from Akoura Biometrics of a fingerprint protection system to protect sensitive information and programs on laptops, desktops, and servers for a limited number of users, including technical support and training.

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

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

Section 1. That the Director of Finance is authorized to accept a gift of a fingerprint protection system to protect sensitive information and programs on laptops, desktops, and servers for a limited number of users, including technical support and training, from Akoura Biometrics, valued at \$50,000, based on their March 5, 2005 letter placed in File No. 631-05-A.

Section 2. That the Director of Finance is authorized to enter into an agreement with Akoura Biometrics to effectuate the gift and the agreement shall include, but not be limited to, terms that provide warranties to the City and indemnification of the City for infringement and other potential claims.

Section 3. That the gift shall take effect on the effective date of the agreement described in Section 2.

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

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

Ord. No. 632-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to analyze the City's current procurement process, perform a feasibility study, and recommend solutions to City's procurement requirements.

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

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

Section 1. That the Director of Finance is authorized to 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 analyze the City's current procurement process, perform a feasibility study, and recommend solutions to City's procurement requirements.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 146242.

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

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

Ord. No. 633-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of dry cell batteries, for the various divisions of City government.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118740)

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

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

Ord. No. 634-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic protection services, for the various divisions of City government.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118723)

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

from and after the earliest period allowed by law.

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

Ord. No. 635-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of first aid supplies, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of first aid supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118724)

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

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

Ord. No. 636-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hand tools and hand-held power tools, for the various divisions of City government.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118726)

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

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

Ord. No. 637-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscape materials, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of landscape materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the

Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118725)

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

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

Ord. No. 638-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain typewriters, for the various divisions of City government.

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

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

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

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

against the contract or contracts certified by the Director of Finance. (RL 118739)

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

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

Ord. No. 639-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refill, repair and replace fire extinguishers, for the various divisions of City government.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118722)

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

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

**Ord. No. 640-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of miscellaneous-sized steel plates, for the various divisions of City government.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118721)

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

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

**Ord. No. 641-05.
By Council Member Jackson.
An emergency ordinance authorizing the purchase by one or more requirement contracts of towel and linen service, for the various divisions of City government.**

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of towel and linen service, in the approximate amount as purchased during the preceding

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118738)

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

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

**Ord. No. 642-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to assess the City's budget requirements, recommend a comprehensive budget program, design the accepted recommendations, acquire the program, and for training, support, and maintenance for a period of two years.

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

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

Section 1. That the Director of Finance 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 assess the City's budget requirements and recommend a comprehensive budget program.

Section 2. That the Director of Finance 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 accepted recommendations, acquire the program, and for training, support, and maintenance of the program for a period of two years.

Section 3. The selection of the consultants for the services shall be

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

Section 4. That the cost of contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 146222.

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

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

**Ord. No. 643-05.
By Council Members Coats and
Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including appurtenances, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of

the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150043)

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. 644-05.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain vac-all trucks, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150054)

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. 645-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the East 94th area sewer system between Ansel and Crawford, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the East 94th area sewer system between Ansel and Crawford, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150077.

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

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

Ord. No. 646-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the East 123rd area sewer system, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the East 123rd area sewer system, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150078.

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

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

Ord. No. 647-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the Throckley Avenue area sewer system from Lee Road to East 177th Street, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the Throckley Avenue area sewer sys-

tem from Lee Road to East 177th Street, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150079.

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

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

Ord. No. 648-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 130th area sewer system, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the West 130th area sewer system, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive

bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150080.

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

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

Ord. No. 649-05.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and replacing the West 162nd area sewer system, including but not limited to manholes and catch basins, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating and replacing the West 162nd area sewer system, including but not limited to manholes and catch basins, for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 54 SF 001, Request No. 150081.

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

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

Ord. No. 650-05.

By Council Members Brady, O'Malley, Polensek, Cintron and Britt.

An emergency ordinance to amend Sections 237.01, 237.02, 237.03, 237.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1520-03, passed January 26, 2004, relating to adult video arcades and adult live entertainment arcades.

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

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

Section 1. That Sections 237.01, 237.02, 237.03, and 237.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1520-03, passed January 26, 2004, are amended to read as follows:

Section 237.01 Purpose and Findings

Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health and general welfare of the citizens of the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is **neither** the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. **It is neither** the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

Section 237.02 Definitions

(a) The words in this Chapter shall have the meaning given to them in 347.07 of the Cleveland Codified Ordinances.

(b) "Operator" means a person who owns, controls, operates, or maintains a Adult Video Arcade or Adult Live Entertainment Arcade.

(c) "**Manager's station**" means the area where the owner, operator, or employee keeps the cash register. **This must be an open, conspicuous area accessible to the patrons.**

Section 237.03 Configuration

No person shall operate an Adult Video Arcade or an Adult Live Entertainment Arcade unless the Arcade complies with the following requirements:

(a) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and can see the monitor located at the manager's station at all times that any patron is present inside the premises.

(b) The premises' owner or operator installs a camera system in the video booths that complies with the following requirements:

(1) The owner or operator operates the camera system when any of the booths are available for viewing videos.

(2) The owner or operator numbers all the booths in the store with an individual number so that the booth is identified on the monitor, the digital recording, and the maintenance log.

(3) The camera system includes an individual camera in each video booth.

(4) The individual cameras are placed in the booths in a way that shows the people inside the booths from at least the knees to the shoulders.

(5) Each Video Arcade will ensure that nothing obstructs the camera from showing the people inside the booths from at least the knees to the shoulders.

(6) Each Video Arcade will immediately remove anything that obstructs the camera from showing the people inside the booths from at least the knees to the shoulders.

(7) The camera system has a monitor at the manager's station so that the owner, operator, or employee who is present in the store can view it.

(8) The monitor faces into the store's public area so that it is visible from the public area.

(9) The monitor's screen is not obstructed from view from the public area at any time that the store is open to the public.

(10) The monitoring system operates on a switcher system so that the monitor switches sequentially and continuously from one camera to another. The continuous switching process will be timed to allow an adequate view of each area surveyed by each camera. The view inside each booth must be at least four seconds, but not more than six seconds. Once the camera system completes a circuit showing the inside of all the booths, the system must immediately start a new circuit showing inside all the booths.

(11) The monitor and the recording identify the booth number for the booth that is being shown on the monitor.

(12) The camera system records all activity in all booths in digital format on a minimum five-day recording loop. The owner or operator must maintain at least the most recent five-day period's recordings at all times.

(13) The camera system records the date and time for the recorded images.

(14) The owner or operator places a sign that is at least 5" by 7" in a conspicuous place in each booth stating words to the effect: "This arcade installed a video-camera-monitoring-and-recording system in this booth. The arcade monitors and records activity in this booth."

(15) If anyone removes or defaces the sign required by C.C.O. § 237.03(b)(14), then the owner or

operator will replace the sign with a new one as soon as store personnel find that the sign has been removed or defaced. The owner or operator must keep enough extra signs in supply at the store to be able to replace any sign as needed.

(16) If a camera is not operating in any booth, the store must close that booth until the camera is repaired. "Not operating" means that the camera does not transmit images showing the booth's interior so that the image is shown on the monitor and recorded by the recording device.

(17) If the entire camera system is not operating, then the Video Arcade may not operate any video booths until the system is repaired.

(18) Each Video Arcade will keep a log for every time the camera system or an individual camera is not working. The log also must note any time that the sign required by C.C.O. § 237.03(b)(14) is defaced or removed. The log should show the date and time the camera or camera system stopped working, the date and time a repair company fixed it, and the repair company's contact information. The owner or operator must immediately provide a copy of this log to City officials on request.

(c) Restrooms may not contain video-reproduction equipment and shall not be used for viewing videos.

(d) No owner or operator, and no person who is the owner's or operator's agent or employee, shall fail to ensure that the requirements of C.C.O. § 237.03(b) are met at all times.

(e) Except inside the video booths, the owner or operator will provide artificial light at the premises in all areas where the public is permitted at a level that provides an average illumination of 10 foot candles (107 lux) over the area at a height of 30 inches above the floor level. Inside the video booths, the owner or operator will provide artificial light at a level that allows the activities inside the booth to be clearly visible on the camera system's monitor and recordings. If City officials cannot clearly see activities inside the booths either on the camera system's monitor or recordings, then the Video Arcades must raise the light level inside the booths to the point where the activities are clearly visible.

(f) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(g) No viewing room or booth may be occupied by more than one person at any time.

(h) No opening of any kind shall exist between viewing rooms or booths.

(i) It shall be the duty of the operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that no more than one person at a time occupies a viewing booth or room, and to ensure that no person attempts to make an opening of any kind between the viewing booths or rooms.

(j) The operator of the sexually oriented business, either personally or through an agent or employee, shall regularly during each business day, inspect the walls between the viewing booths to determine if any openings or holes exist.

(k) The operator of the sexually oriented business, either personally or through an agent or employee, shall regularly during each business day clean the viewing booths.

(l) The operator of the sexually oriented business, either personally or through an agent or employee, shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(m) The operator of the sexually oriented business, either personally or through an agent or employee, shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

Section 237.04 Minors Prohibited; When

(a) No unmarried person under 18 years of age shall enter any part of an Arcade in that all of the booths are used to present filmed, taped, or live entertainment which is characterized by its emphasis on specified sexual activities or specified anatomical areas.

(b) If any of the booths in an Arcade are used to present filmed, taped, or live entertainment that is characterized by its emphasis on specified sexual activities or specified anatomical areas, no unmarried person under 18 years of age shall enter any of the booths that are used in this way.

(c) No operator, either personally or through an agent or employee, shall permit any unmarried person under 18 years of age to enter a picture arcade in violation of division (a) of this section or a booth in violation of division (b) of this section.

Section 2. That existing Sections 237.01, 237.02, 237.03, and 237.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1520-03, passed January 26, 2004, are repealed.

Section 3. That within 10 days of the passage of this legislation, the Director of Public Health shall send a notice, by certified and regular mail, to all Adult Video Arcades and Adult Live Entertainment Arcades located in the City of Cleveland, informing them of the passage of this legislation and providing them with a copy of this legislation.

Section 4. That lawfully established Adult Video Arcades and Adult Live Entertainment Arcades in existence on the date of the passage of this legislation will have until 60 days after the effective date of this legislation, to come into compliance with the law. All other businesses must be in compliance from the effective date of this legislation.

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

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

Ord. No. 651-05.**By Mayor Campbell.**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the City of Brecksville, between Oakes Road and Metro Parks Boulevard to the City of Brecksville.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to the City of Brecksville (the "Redeveloper") no longer needed for public use and located at in the City of Brecksville, between Oakes Road and Metro Parks Boulevard; and

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

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

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

CITY OF CLEVELAND
TREE FARM
BRECKSVILLE PORTION
PART OF PPN 603-10-004

Situated in the City of Brecksville, County of Cuyahoga, and State of Ohio and known as being a part of Original Brecksville Township Lot Nos. 41 & 50, further bounded and described as follows:

Beginning in the centerline of Oakes Road (60 feet wide) at its intersection with the Westerly line of a parcel of land conveyed to the City of Brecksville by deed dated December 21, 1990 and recorded in Volume 90-7910, Page 51 of Cuyahoga County Records;

Thence Southerly along said Westerly line to its intersection with the Northerly line of the Metro Parkway (200 feet wide);

Thence Westerly along said Northerly line to its intersection with the Westerly line of Original Lot No. 41, being also the line dividing the City of Brecksville and the City of Broadview Heights;

Thence Northerly along said Original Lot and City Line, to its intersection with the centerline of Oakes Road;

Thence Easterly along said centerline to its intersection with the Westerly line of a parcel of land transferred to Joan R. Dunning by certificate dated February 24, 1987 and recorded in Volume 87-1137, Page 55 of Cuyahoga County Records;

Thence Southerly along said Westerly line to the Southerly line of said Dunning's parcel;

Thence Easterly along said Southerly line and along the Southerly line of a parcel of land conveyed to Helen J. Stepp by deed dated December 5, 2001 and recorded as Auditor's File No. 200112050005, to its intersection with Stepp's Easterly line;

Thence Northerly along said Easterly line to its intersection with the centerline of Oakes Rd.;

Thence Easterly along said centerline to the place of beginning.

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

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

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

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

Ord. No. 652-05.**By Council Members Johnson and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install escalator safety brushes on escalators located throughout the Convention Center, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install escalator safety brushes on escalators located throughout the Convention Center, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 11 SF 006 and 20 SF 332, Request No. 120381.

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 653-05.**By Council Members Gordon and Jackson (by departmental request).**

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition and Board-up Programs; and authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs.

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 Community Development Block Grant funds in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000) from Fund No. 14 SF 031, Request No. 125790, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 13 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies, and entities providing services necessary to implement the Demolition and Board-up Programs.

Section 3. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 4. That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition and Board-up Programs.

Section 6. That the Director of Building and Housing is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City under the City's Demolition and Board-up Programs.

Section 7. That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau

reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

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

Ord. No. 654-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Elwell-Parker Industrial Park, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4205 St. Clair Avenue, Cleveland, Ohio, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Elwell-Parker Industrial Park, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4205 St. Clair Avenue, Cleveland, Ohio, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 654-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103639.

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

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

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in

the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

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

Ord. No. 655-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Mister Twister, LLC to provide economic development assistance to partially finance the real property improvements to the property located at 4700 Lakeside Avenue, Cleveland, Ohio, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Mister Twister, LLC to provide economic development assistance to partially finance real property improvements to the property located at 4700 Lakeside Avenue, Cleveland, Ohio, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 655-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Two Hundred Twenty Thousand Dollars (\$220,000.00), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103641.

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

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

Section 6. That the Director of Economic Development is author-

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

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

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

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

Ord. No. 656-05.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 340.01 to 340.07; relating to Institutional-Research Districts; and to enact new Sections 325.501, 325.471, and 325.570, relating to definitions.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 340.01 to 340.07, 325.501, 325.471, and 325.570 and to read as follows:

**CHAPTER 340
Institutional-Research (I-R)
Districts**

Section 340.01 Purpose

The Institutional-Research (I-R) District is established to provide appropriate locations for large-scale developments of educational and medical institutions, other institutional uses, research facilities, and/or professional offices, as well as accessory uses, residences and other uses supportive of the principal institutional and research-related uses.

Section 340.02 Permitted Main Uses

In an Institutional-Research District, the following uses are permitted as main uses:

- (a) hospitals, medical clinics, medical office buildings, and similar medical institutions;
- (b) nursing homes, assisted living residences, and mental health centers;
- (c) primary and secondary schools, colleges, universities, trade schools, and similar educational institutions;
- (d) museums and libraries;
- (e) places of worship and associated office and classroom space;

(f) parks, playgrounds and playfields;

(g) arenas, stadiums and indoor recreation facilities if public or if associated with a permitted institutional use;

(h) professional offices and offices of community and civic organizations;

(i) research laboratories including research laboratories with light assembly;

(j) hotels and motels;

(k) multi-family residential buildings, live-work units, and correctional halfway houses.

Section 340.03 Permitted Accessory Uses

In an Institutional-Research District, the following uses are permitted as accessory uses to permitted main uses.

(a) pharmacies, optical stores, medical supply stores and similar uses located in a hospital, medical clinic or medical office building as an accessory use;

(b) restaurants, coffee shops and other eating establishments, grocery stores, gift shops, newsstands, book stores, barber shops, beauty parlors, and similar uses accessory to a permitted main use and located within the building occupied by the main use;

(c) dormitories and other student housing accessory to a permitted educational institution;

(d) child day care centers and adult day care centers accessory to permitted main uses;

(e) theaters and performing arts centers accessory to an educational institution;

(f) parking lots and parking garages accessory to permitted main uses;

(g) all uses permitted as main uses.

Section 340.04 Permitted Conditional Uses

In an Institutional-Research District, the following uses are permitted as conditional uses, subject to approval by the City Planning Commission in accordance with the provisions of Section 340.05.

(a) book stores, stationary stores and gift shops;

(b) office supply stores and computer stores;

(c) art shops and galleries;

(d) coffee houses and restaurants without drive-through facilities;

(e) grocery stores;

(f) banks;

(g) dry cleaners and tailors;

(h) barber shops and beauty parlors;

(i) pharmacies.

Section 340.05 Approval of Conditional Uses

The City Planning Commission shall approve a conditional use only if it determines that the proposed use, by virtue of its location, size, layout and design, will function principally to support the institutional and research uses in the district, as opposed to principally serving a larger geographic area.

Section 340.06 Site Plan and Design Review

No Building Permit shall be issued for the construction of a new building in an Institutional-Research

District without the approval of the site plan and building design by the City Planning Commission or its Director, in accordance with rules promulgated by the Commission and in accordance with the following standards.

(a) *Master Plan.* In reviewing development proposals in an Institutional-Research District, the City Planning Commission shall assess the development's consistency with any applicable master plan that has been adopted or accepted by the Commission. If no current master plan for the district is available to the Commission, the Commission may request submission of a master plan from an organization deemed responsible for preparation of a plan for the district.

(b) *Urban Form.* Except where such design would be clearly inconsistent with the character of an area, new development should take an "urban form," characterized by multi-story buildings, streetside building placement, and parking located in garages or in lots behind buildings.

(c) *Architectural Design.* In addition to meeting high standards of architectural design, buildings should be compatible with nearby properties with respect to scale, height, setback, spacing, orientation to existing streets, architectural style, materials, and colors. Variations and innovations in design are, however, encouraged in order to achieve visual interest and to create distinct identities for individual buildings and districts. The goal is compatibility in design, not uniformity.

(d) *Pedestrian, Bicyclist and Transit Access.* Developments should be designed to facilitate safe and convenient access by pedestrians and bicyclists and to facilitate use of public transit.

(e) *Parking and Circulation.* Developments should be designed to provide adequate and convenient off-street and on-street parking and to utilize opportunities for parking that is shared by buildings and uses. Streets, driveways, sidewalks and paths should be designed in a manner that facilitates safe and convenient circulation for motorists, pedestrians, bicyclists and transit users.

(f) *Landscaping and Open Space.* Developments should include landscaped areas and open spaces that enhance the appearance of a property and provide areas for recreation and scenic enjoyment, while meeting the environmental design standards of this Section.

(g) *Environmental Design.* Developments should incorporate "sustainable" building techniques and other measures, as feasible, in order to conserve energy, minimize water usage, recycle wastes, re-use building materials, and to achieve other goals that promote environmental sustainability.

Section 340.07 Off-Street Parking Requirements

Off-street parking for individual uses in an Institutional-Research District shall be provided in accordance with the regulations of Section 349.04. Proposals for shared parking shall be submitted and reviewed in accordance with the provisions of Section 349.10, 349.11 and 349.12.

Section 325.401 Light Assembly

The assembly of premanufactured parts into finished products by use of small power tools and/or hand tools and such jigs and fixtures as are necessary, but specifically excluding any forging, metal stamping, shearing or casting operations.

Section 325.471 Mental Health Center

An institution providing in-patient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and others needing psychological therapy but which does not serve as a residence for such individuals.

Section 325.570 Research Laboratory

A facility for scientific research, testing, experimentation, or product development but not primarily for manufacture, sale or storage of products.

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 City Planning Commission, Finance, Law; Committees on City Planning, Legislation, Finance.

Ord. No. 658-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more consultants or one or more firms of consultants necessary to perform full integration services for network connectivity to various City facilities and various community centers that are without high-speed bandwidth or internet access; and authorizing the purchase by one or more requirement contracts for the purchase or lease of fiber, cabling, equipment, supplies and other services necessary for the network connectivity, for the Division of Information Technology and Services, Department of Finance, for a period not to exceed five years.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform full integration services for network connectivity to various City facilities and various community centers that are without high-speed bandwidth or internet access, including but not limited to designing, installing, testing, programming, integrating, managing connections, and incidental equipment and sup-

plies and other services necessary to provide and maintain network connectivity authorized by this ordinance, including maintenance, support, and training, on an as-needed basis for a period of five years.

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

Section 2. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a five-year period of the necessary items of the purchase or lease of fiber, cabling, equipment, supplies, and other services necessary for the services described in Section 1 which are not provided by the one or more consultants or one or more firms of consultants selected under this ordinance, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 146241)

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

Ord. No. 659-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Melrose Avenue to Joseph A. Rudolph.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-11-071, as more fully described below, to Joseph A. Rudolph.

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

P. P. No. 106-11-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 and part of Sublot No. 20 in the Howard White's Subdivision of part of Original One Hundred Acre Lot No. 342 as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and part of Sublot Nos. 2, 3, and 4 in the Peter Samman's Re-Subdivision of part of Original One Hundred Acre Lot No. 342, as shown by the recorded plat of said Re-Subdivision in Volume 27 of Maps, Page 10 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Melrose Avenue N.E. (formerly Melrose Avenue), at the Northwesterly corner of said Sublot No. 21; thence Easterly along said Southerly line of Melrose Avenue, N.E. 40 feet to the Northeastly corner of said Sublot No. 21; thence Southerly along the Easterly line of said Sublot No. 21, and along the Southerly prolongation thereof to a point in the Southwestly line of Sublot No. 2 in the Peter Sammon's Re-Subdivision as recorded in Volume 27, Page 10 of Cuyahoga County Maps Records; thence Northwesterly along the Southwestly lines of Sublot Nos. 2 and 3 to a point at the Southeastly corner of Sublot No. 20 in said Howard White's Subdivision; thence Westerly along the Southerly line of said Sublot No. 20 to its intersection with the Southerly prolongation of the Westerly line of said Sublot No. 21 and along its Westerly line, about 143.80 feet to the place of beginning, be the same more 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. 660-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Wade Park to Outreach Ministries of Healing and Deliverance.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No(s). 106-19-007, as more fully described below, to Outreach Ministries of Healing and Deliverance.

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

P. P. No. 106-19-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in Dincer and Decker's Allotment of part of Original One Hundred Acre Lot Nos. 342 and 391 as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records, and being 37.50 feet front on the Southerly side of Wade Park Avenue N.E. and extending back of equal width 140 feet deep, 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. 673-05.

By Council Member Reed.

An emergency ordinance to amend Section 245.16 and Section 245.18 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1461-64, passed June 29, 1964, relating to peddling of frozen desserts and to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 245.99.

Whereas, peddlers of frozen desserts are often in close contact with young children; 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 245.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1461-64, passed June 29, 1964, is hereby amended to read as follows:

Section 245.16 Peddling of Frozen Desserts

No person, firm or corporation shall peddle frozen desserts within the City unless the following requirements are complied with:

(a) All such products shall be completely wrapped or packaged in a licensed place of business and all such wrappings or packages shall be labeled with:

- (1) Name of the product;
- (2) Name and address of the manufacturer;
- (3) Net contents by weight or volume.

(b) All such products shall be properly refrigerated to inhibit bacterial growth.

(c) All persons employed as peddlers shall be at least sixteen years of age and:

- (1) Be in the regular employment of the licensee;
- (2) Wear clean, washable garments or uniforms;
- (3) Maintain himself in a clean and personable condition; and
- (4) **Never been convicted of or plead guilty to any of the following criminal offenses:**

- a) any offense involving a minor;
- b) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
- c) assault; and
- d) **unlawful possession of weapons.**

(d) All frozen desserts shall be transported in sanitary containers, which must be washed after each day's use. Such containers shall be used for no other purpose than the transportation of frozen desserts and shall be stored only at the place of business of the licensee. Such containers shall conspicuously display the name of the licensee.

(e) All vehicles used to peddle frozen desserts shall be stored or parked in clean surroundings when not in use.

Section 2. That Section 245.18 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1461-64, passed June 29, 1964, is hereby amended to read as follows:

Section 245.18 Peddler's License Fee

(a) Each owner, operator or other responsible official of a food han-

dling business desiring to peddle frozen desserts shall make an annual application to the Commissioner of Assessments and Licenses. Each such application shall be accompanied by a combined license and inspection fee as follows: five dollars (\$5.00) for each peddler's license desired and in addition, five dollars (\$5.00) for each vehicle operated for the sale or delivery of frozen desserts.

(b) Only holders of a retail or wholesale food handling license may apply for licenses for peddling of frozen desserts.

(c) Any holder of a retail license may apply for and receive not more than five peddler's licenses.

(d) Any holder of a wholesale license may apply for and receive a license for each peddler of frozen desserts.

(e) **Applicants shall list the name, address, date of birth, and social security number of each employee or person who will be peddling frozen desserts and shall, on a form provided by the Commissioner of Assessments and Licenses, require the applicant to disclose whether or not any employee or person who will be peddling frozen desserts on behalf of the applicant has ever been convicted of or plead guilty to any of the following criminal offenses:**

- (1) any offense involving a minor;
- (2) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
- (3) assault; and
- (4) **unlawful possession of weapons.**

The Commissioner of Assessments and Licenses may refuse to grant a license or may revoke a license, for any one or more of the following reasons:

- (1) the applicant has been convicted of or plead guilty to any criminal offense involving a minor or any other criminal offense listed in this subdivision (e);
- (2) the applicant fails to provide the information required by this subdivision (e);
- (3) the applicant makes or made an incorrect statement in the license application; or
- (4) the applicant fails to update the information required by this subdivision during the annual license period.

(f) **Licenses issued to peddle frozen desserts shall be posted in a conspicuous location in each vehicle used to peddle frozen desserts. The Commissioner of Assessments and Licenses shall list on each license the name of each employee or individual authorized to peddle frozen desserts on behalf of the applicant.**

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 245.99 thereof, to read as follows:

Section 245.99 Prohibited Peddling
No person shall engage in the peddling of frozen desserts who has been convicted of or who pled guilty to any of the following criminal offenses:

- (1) any offense involving a minor;
- (2) any sexually oriented offense, including, but not limited to, corruption of a minor, sexual imposition, importuning, voyeurism, public indecency, procuring, soliciting, prostitution, loitering for the purpose of engaging in prostitution, disseminating material harmful to juveniles, deception to obtain material harmful to juveniles, possession of obscene material involving a minor, possession of sexually oriented material involving a minor, possession of nudity-oriented material involving a minor, and displaying matter harmful to juveniles;
- (3) assault; and
- (4) unlawful possession of weapons.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree. Each day upon which a violation occurs shall constitute a separate offense and shall be punishable as such hereunder.

Section 4. That existing Section 245.16 and existing Section 245.18, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1461-64, passed November June 29, 1964, are hereby repealed.

Section 5. 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 Public Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

Ord. No. 674-05.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Office of Domestic Preparedness for the 2004 FEMA Assistance to Firefighters Grant; and to enter into one or more requirement contracts necessary for the purchase of equipment and training necessary to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$555,800, from United States Office of Domestic Preparedness to conduct the 2004 FEMA Assistance to Firefighters Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 674-05-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$238,200, payable from Fund No. 11 SF 006, 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 the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and training needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 657-05.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 182-05, passed March 7, 2005, relating to the sale of real property as part of the Land Reutilization Program and located on Clark Avenue to Stockyard Redevelopment Organization.

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

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

Section 1. That the title and Section 1 of Ordinance No. 182-05, passed March 7, 2005, are amended to read as follows:

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Clark Avenue to

Stockyard Redevelopment Organization or designee.

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). 006-30-009 and 006-30-010, as more fully described below, to Stockyard Redevelopment Organization or designee.

Section 2. That the title and Section 1 of Ordinance No. 182-05, passed March 7, 2005, are repealed.

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

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. 661-05.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to amend City Contract No. 60859 with ADT Security Services, Inc. to provide for professional security services for Cleveland City Council for a period of two years and to provide for the purchase of software, monitors, cameras, and other equipment necessary for the operation of City Council's security system.

Whereas, City Council previously entered into a contract for professional security services with ADT Security Services, Inc; and

Whereas, City Council seeks to amend City Contract No. 60859 to extend the contract term; and

Whereas, equipment must be purchased from ADT Security Services, Inc. as part of its professional maintenance services; 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 Clerk of Council is hereby authorized to amend City Contract No. 60859 with ADT Security Services, Inc. to provide for professional security services, including maintenance services, necessary to provide office security services for Cleveland City Council for a period of two years.

Section 2. That the Clerk of Council is hereby authorized to amend City Contract No. 60859 with ADT Security Services, Inc. to provide for the purchase of software, monitors, cameras, and other equipment necessary for the operation of City Council's security system.

Section 3. That the cost of said contract hereby authorized shall be paid from Fund No. 01 SF 001.

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. 662-05.

By Council Members Sweeney, Cimperman, Cintron, Gordon and Brady.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for Westside Leadership Collaborative of Cleveland Program through the use of Ward 13, 14, 15, 19, 20 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for the Westside Leadership Collaborative of Cleveland Program for the public purpose of providing leadership training to Cleveland residents in community building initiatives through the use of wards 13, 14, 15, 19 and 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 663-05.

By Council Member Britt.

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

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with

Fairfax Renaissance Development Corporation for the East 83rd Street Affordable Apartments Project for the public purpose of rehabilitating a vacant apartment building in order to provide affordable rental housing to low and moderate income residents that reside in the City of Cleveland through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 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. 664-05.

By Council Member White.

An emergency resolution encouraging the Community Relations Board, the Cleveland Municipal School District, Cleveland churches, and community leaders to work together to establish a Youth Taskforce and hotline committed to providing youth with safe opportunities for education, socialization, and recreation.

Whereas, recent gang related violence, high poverty rates, and lack of employment opportunities have created a challenging environment for youth in the City of Cleveland; and

Whereas, the summer months create additional challenges as school is not in session; and

Whereas, this Council acknowledges the need for youth partnerships committed to addressing the issues encountering youth today; and

Whereas, this Council encourages the Community Relations Board, the Cleveland Municipal School District, Cleveland churches, and community leaders to work together to establish a Youth Taskforce committed to providing youth with safe opportunities for education, socialization and recreation; and

Whereas, the establishment of a Youth Taskforce safe summer hotline and website would enable youth to communicate with other youth about their concerns, fears, challenges, and events in their lives; and

Whereas, youth working together for youth can be a powerful tool in protecting youth and enhancing the quality of life of the City's youth; 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 encourages the Community Relations Board, the Cleveland Municipal School District, Cleveland churches, and community leaders to work together to establish a Youth Taskforce committed to providing youth with safe opportunities for education, socialization, and recreation.

Section 2. That the Clerk of Council is requested to transmit a copy of this resolution to Jeff Johnson, Executive Director, Community Relations Board, and Barbara Byrd Bennett, CEO, Cleveland Municipal School District.

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. 665-05.

By Council Member Polensek.
An emergency resolution withdrawing objections to a New C1 and C2 Liquor Permit at 15222 Waterloo Road and repealing Resolution Nos. 500-04 and 551-04, objecting to said permit.

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 15222 Waterloo Road by Resolution No. 500-04 adopted by the Council on March 22, 2004 and Resolution No. 551-04 adopted by the Council on March 29, 2004; and

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

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

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

Section 1. That objections to a New C1 and C2 Liquor Permit to Tap Investments, LLC, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 87987000125, be and the same is hereby withdrawn and Resolution Nos. 500-04 and 551-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 171-05.**

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

An emergency ordinance authorizing the Directors of Community Development to transfer properties at the northwest corner of Quincy Avenue and East 83rd Street, to the control, possession, and use of the Department of Parks, Recreation and Properties; and authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Fairfax Renaissance Development Corporation to allow and accept the construction of Quincy Park and landscaping improvements, as a gift to the City; to enter into a property adoption agreement with Fairfax for the beautification and maintenance of the park; and to name the park located at Quincy Avenue and East 83rd Street the "Quincy Park."

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

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

Ord. No. 180-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 97th Street to Archie L. Bell III.

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

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

Ord. No. 472-05.

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

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to repair test tees on the sanitary sewer at the Justice Center, including related work, for the Division of Property Management, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 545-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government.

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

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

Ord. No. 546-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of exterminating services, for the various divisions of City government.

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

Ord. No. 547-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of keys, locks, and hardware, for the various divisions of City government.

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

Ord. No. 550-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of ready mix concrete, for the various divisions of City government.

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

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

Ord. No. 552-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain and repair overhead doors, for the various divisions of City government.

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

Ord. No. 555-05.

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

An emergency ordinance to appropriate property for the public purpose of constructing an all-weather track and football-field complex located at 1050 East 152nd Street.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED**Res. No. 233-05.**

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

An emergency resolution declaring the necessity and intention to

appropriate property for the public purpose of constructing a public road in connection with the Battery Park development Project at West 74th and Goodwalt Avenue.

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

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

MOTION

By Council Member White, seconded by Council Member Polensek and unanimously carried that the absence of Council Member Joseph T. Jones, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:08 p.m. to meet on Monday, April 18, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 6, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 6, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Absent: Directors Beasley and Fumich.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 153-05.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graham Enterprises Inc. dba

Aries Distribution, for an estimated quantity of industrial paper products and cloth wipers, group A, part 1, all items, for the various divisions of City government, for the period of one (1) year beginning from the date of execution of a contract, received on February 11, 2005, under the authority of Ordinance No. 1658-04, passed October 4, 2004, which on the basis of the estimated quantity would amount to Three Hundred Seventy Two Thousand Three Hundred Seventy and 50/100 Dollars (\$372,370.50) (Net), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 156648 which shall be certified against the contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00). The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Directors Beasley and Fumich.

Resolution No. 154-05.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the bid of High Line Corporation dba Casnet, for an estimated quantity of microfiche & cd-rom services, all items, for the various divisions of City government, for the period of one (1) year beginning from the date of execution of a contract, received on February 18, 2005, under the authority of Ordinance No. 2006-04, passed November 8, 2004, which on the basis of the estimated quantity would amount to Thirty Thousand and 00/100 Dollars (\$30,000.00) (2%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159340 which shall be certified against the contract in the sum of Twenty Thousand and 00/100 Dollars (\$1,500.00). The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting

Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Directors Beasley and Fumich.

Resolution No. 155-05.

By Director Baker.
Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Dell Marketing LP, except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of computer hardware and software, including maintenance and support, all items, for the various divisions of City government, for the period of six (6) months beginning from the date of execution of a contract, received on March 11, 2005, under the authority of Ordinance No. 126-05, passed February 28, 2005, which on the basis of the estimated quantity would amount to Two Hundred Ninety-Three Thousand Eight Hundred Ninety-Four and 00/100 Dollars (\$293,894.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 156660 which shall be certified against the contract in the sum of Thirty Two Thousand Eight Hundred and 00/100 Dollars (\$32,800.00).

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

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Directors Beasley and Fumich.

Resolution No. 156-05.

By Director Mok.
Whereas, under the authority of Ordinance No. 2103-04, passed by the Council of the City of Cleveland on December 13, 2004, and Board of Control Resolution No. 113-05, adopted March 16, 2005, this Board affirmed and approved Precision Environmental Co. as the firm most qualified to perform asbestos abatement services for the Department of Port Control; now, therefore,
Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 113-05, adopted March 16, 2005, is amended to approve the employment of the following sub-consultant by Precision Environmental Co.:

<u>Sub-consultant</u>	<u>Percentage Amount</u>
EA Group	12.5% \$35,280.00

Be it further resolved that all other provisions of Resolution No.

113-05 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Directors Beasley and Fumich.

Resolution No. 157-05.

By Director Ricchiuto.
Whereas, under the authority of Ordinance No. 2233-02 passed by the Council of the City of Cleveland on December 9, 2002, and Board of Control Resolution No. 313-03, adopted May 28, 2003, the City through the Director of Public Service, entered into City Contract No. 61452 with Tony La Riche Chevrolet for the purchase of the City's requirements for Chevrolet parts and labor, for a total estimated price of \$300,000.00; and

Whereas, by their letter dated March 14, 2005, Tony La Riche Chevrolet notified the City that they sold their company to Pat O'Brien Chevrolet and by their letter dated March 25, 2005, Pat O'Brien Chevrolet notified the City that they purchased Tony La Riche Chevrolet, and requests the City's consent to assignment of City Contract No. 61452 to Pat O'Brien Chevrolet effective March 1, 2005; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland, that this Board acknowledges Pat O'Brien Chevrolet's purchase of Tony La Riche Chevrolet and authorizes the Director of Public Service to consent, on behalf of the City, to the request of Tony La Riche Chevrolet to assign City Contract No. 61452 for the purchase of the City's requirements for Chevrolet parts and labor, to Pat O'Brien Chevrolet, effective March 1, 2005.

Be it further resolved, that the Director of Public Service is authorized to execute all documents and do all things necessary to implement the consent to assignment of Contract No. 61452 authorized above. A copy of consent to assignment and the assignment of Contract No. 61452 shall be filed with the original of Contract No. 61452 in the office of the Commissioner of Accounts.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.
Absent: Directors Beasley and Fumich.

Resolution No. 158-05.

By Director Ricchiuto.
Whereas, under authority of Ordinance No. 1530-02, passed by the Council of the City of Cleveland on November 25, 2002, as amended by Ordinance No. 2457-02, passed by the Council of the City of Cleveland on March 10, 2003, and Resolution No. 435-03 adopted by this Board of Control July 23, 2003, as amended by Resolution No. 542-03, adopted on September 10, 2003, and Resolution No. 586-03, adopted October 1, 2003, the City entered into Contract No. 62167 with E.G. & G., Inc. to sup-

plement the regularly employed staff of the several departments of the City for Stage I (Preliminary Engineering) services only, as necessary for the improvement of the Kamm's Corners Streetscape project, for an amount not exceeding \$162,266, and approving various sub-consultants; and

Whereas, Ordinance No. 1667-04, passed by the Cleveland City Council on October 25, 2004, authorized the Director of Public Service to enter into an amendment to Contract No. 62167 to obtain the Stage II (Construction Plans) and Stage III (Services during Construction) services necessary to complete the professional design services for the Project for an additional amount not exceeding \$310,656.00, increasing the total contract amount to \$448,022.00; and

Whereas, E.G. & G., Inc. wishes to employ certain previously approved sub-consultants for different amounts than listed in Resolution No. 435-03 and to employ additional sub-consultants; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 435-03, adopted by this Board of Control July 23, 2003, as amended by Resolution No. 542-03, adopted September 10, 2003, and Resolution No. 586-03, adopted October 1, 2003, is further amended by substituting the following as approval of the employment of sub-consultants by E. G. & G., Inc. under Contract No. 62167, as amended:

Prime Engineering & Architecture,
Inc.

1038 Ghent Road
Akron, Ohio 44333
(MBE) — \$7,432.00 — (1.66%)

KS Associates, Inc.
260 Burns Road, Suite 100
Elyria, Ohio 44035
(FBE) — \$38,500.00 — (8.59%)

G & T Associates, Inc.
11925 Pearl Road
Strongsville, Ohio 44136
(MBE) — \$34,800.00 — (7.77%)

MV Technologies, Inc.
260 Burns Road, Suite 100
Elyria, Ohio 44035
(MBE) — \$26,500.00 — (5.91%)

Barr Engineering
614 Cleveland Avenue
Cleveland, Ohio 44108
(MBE) — \$12,560.00 — (2.80%)

CT Consultants, Inc.
35000 Kaiser Court
Willoughby, Ohio 44094
\$32,035.00

Peters, Tschantz & Bandwen
481 North Cleveland-Massillon Road
Akron, Ohio 44333
\$70,578.00

Be it further resolved that all other provisions of Resolution No. 435-03, adopted July 23, 2003, as amended by Resolution No. 542-03, adopted September 10, 2003, and Resolution No. 586-03, adopted October 1, 2003, not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciacia, Mok, Ricchiuto, Carroll, Acting

Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 159-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Crown Battery Mfg. Co., Inc. for an estimated quantity of equipment and vehicle batteries, all items, for the Division of Motor Vehicle Maintenance, Department of Public Service, for two years beginning with the date of execution of a contract, received on March 2, 2005, under the authority of Ordinance No. 772-04, passed by the Council of the City of Cleveland on May 17, 2004, which on the basis of the estimated quantity would amount to Two Hundred Forty Nine Thousand One Hundred Seventy Three and 40/100 Dollars (\$249,173.40) (2% Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 154107

which shall be certified against the contract in the sum of Twenty Thousand and no/100 Dollars (\$20,000.00).

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

Subcontractor	Percentage Amount
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Independent Brokers	3.03% \$7,555.58
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Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciacia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 160-05.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 23, 2005, for cab/chassis with USV body, medium and cab/chassis with USV body, large (all items), for the various divisions of City government, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, are rejected.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciacia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 161-05.

By Directors Ricchiuto, Rush and Ciacia.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking & Paving Company Inc., for the public improvement of Carver Park Estates — Phase 2 (Items 1 through 86), for the Division of Engineering and Construction, Departments of Public Service, Community Development, and Public Utilities, received on January 13, 2005, under the authority of Ordinance No. 241-03 as amended by Ordinance No. 283-05, passed by the Cleveland City Council May 12, 2003 and March 28, 2005, respectively, upon a unit basis for the improvement, in the aggregate amount of \$912,371.00, is affirmed and approved as the lowest responsible bid; and the Directors of Public Service, Community Development and Public Utilities are authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following sub-contractors by Fabrizi Trucking & Paving Company Inc. for the above mentioned public improvement is approved:

McTech Corp., dba Tech Ready Mix
5000 Crayton Avenue
Cleveland, Ohio 44101
MBE — \$140,000.00 — 15.34%

Julian Supply Company
16300 Waterloo
Cleveland, Ohio 44121
FBE — \$10,000.00 — 1.10%

Friedel Trucking Company, Inc.
5714 Archmere Avenue
Cleveland, Ohio 44144
FBE — \$40,000.00 — 4.38%

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciacia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 162-05.

By Director Ronayne.

Whereas, by Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 113.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, the City of Cleveland will be hosting the 2005 Ohio Classic/Community Quarterback Foundation; and

Whereas, the Cleveland Convention Center will host the Old School Funk Comedy Jam on April 15, 2005, in conjunction with the 2005 Ohio Classic/Community Quarterback Foundation; and

Whereas, the goal of the 2005 Ohio Classic/Community Quarterback Foundation is to raise the profile of historically black universities and intends to raise hundreds of thousands of dollars in scholarship money; and

Whereas, because the 2005 Ohio Classic/Community Quarterback Foundation will attract tens of thousands of visitors to the City of Cleveland and would generate millions of dollars in tax and service revenues; now, therefore,

Be it resolved that not withstanding the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at the Convention Center for Old School Funk Comedy Jam, to be held April 15, 2005, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to the Old School Funk Comedy Jam by the Cleveland Convention Center be charged at the prevailing rate, and that all other provisions of said Resolution No. 117-03 not expressly amended hereby, shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 163-05.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Fitness Brokers Company for various fitness equipment and maintenance service for such equipment, Item No. 1, for the Division of Recreation, Department of Parks, Recreation and Properties, received on March 23, 2005, under the authority of Ordinance No. 184-05, passed February 7, 2005, which on the basis of order quantities would amount to Thirty Five Thousand Dollars (\$35,000.00) (Net), is approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into contract for the items and/or services.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 164-05.

By Director Ronayne.

Resolved by the Board of Control of the City of Cleveland, that all bids received on March 23, 2005 for fitness equipment, items 2 and 3, for the Division of Recreation, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 184-05, passed by the Council of the City of Cleveland on February 7, 2005, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 165-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 119-28-023, located at Cedar Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 2369-04 passed January 31, 2005, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Mahmoud Jaber 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. 2369-04 passed January 31, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Mahmoud Jaber for the sale and development of Permanent Parcel No. 119-28-023, 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 \$1,500.00, 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 Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 166-05.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel Nos. 006-30-009 and 006-30-010, located at Clark Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 182-05 passed March 7, 2005, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Stockyard Development Organization or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 182-05 passed March 7, 2005, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Stockyard Development Organization or designee for the sale and development of Permanent Parcel Nos. 006-30-009 and 006-30-010, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 167-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 109-10-118 and 109-10-102 located on East 101st Street and on Tanner Street in Ward 8; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorized 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, Joe Gibbons, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 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 Joe Gibbons for the sale and development of (Part of) permanent Parcel Nos. 109-10-118 and 109-10-102 located on East 101st Street and on Tanner 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 parcels shall be \$1.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be

\$1.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Mayor Campbell, Acting Director Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

Resolution No. 168-05.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 109-10-123 located on East 101st Street in Ward 8; and

Whereas, Section 183.021 of the Codified Ordinance of Cleveland, Ohio 1976 authorized 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, Arthur Jones, 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 8 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 Arthur Jones for the sale and development of Permanent Parcel No. 109-10-123 (part of) located at East 101st 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 Schneider, Directors Ciaccia, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Directors Beasley and Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, APRIL 25, 2005

9:30 A.M.

Calendar No. 05-39: 6104 Storer Avenue (Ward 17)

Khalil Ewais, owner, appeals to expand an existing restaurant to include a drive-through, carry-out service, by consolidating three parcels facing on Storer Avenue, situated on an 83' x 84' corner lot in a General Retail Business District on the northwest corner of Storer Avenue and West 61st Street at 6104 Storer Avenue; contrary to Section 352.11, only partial landscaping is provided on the north side of the lot between the General Retail Business District and the abutting Two-Family District where a 10' wide landscaping strip with 75% year-round opacity is required; and Section 347.16(f) requires that a drive-through establishment shall have a lot area of not less than 12,000 s/f and approximately 6,972 s/f is provided; and contrary to Section 343.18(a) there are two driveways along Storer Avenue where no more than one driveway is permitted on a lot with a frontage of 100' or less; with approximately 5' between successive driveways along Storer Avenue, instead of a 30' minimum of unbroken curb between successive driveways, as stated in Section 343.18(e) of the Codified Ordinances.

Calendar No. 05-64: 4376 Pearl Road (Ward 16)

Thomas Walsh, owner, appeals to construct a 34' x 60' one-story, steel structure to be a retail store and auto repair use, situated on a 47' x 159' parcel in a Local Retail Business District on the west side of Pearl Road at 4376 Pearl Road; the proposed unspecified automotive services are contrary to Section 343.01 and not allowed in a Local Retail District but first permitted in a Semi-Industry District; and contrary to Section 357.07 and the Zoning Map, a 2' setback is proposed where a specific setback of 17' is required along Pearl Road; and Section 339.03 requires that access and maintenance of off-street parking, the driveway and maneuvering areas be properly graded for drainage; and as proposed, the driveway is located outside of the lot with no clear entrance to the parking spaces; and where bumper guards are required by Section 339.03(b), none are proposed; there is no transition strip at the rear of the lot to separate it from the abutting Two-Family District and an 8' wide transition strip is required, according to Section 352.09 of the Codified Ordinances.

Calendar No. 05-65: 1583 East 31st Street (Ward 13)

Mueller Electric, owner, and Mueller Condominiums LLC c/o Tesco, prospective purchaser, and Scott Bofinger, agent, appeal to change an existing two-story office and warehouse building to a use for condominiums, situated on a 330' x 132' lot in a Semi-Industry District on the east side of East 31st Street at 1583 East 31st Street; contrary to Section 357.04(b) of the Area Regulations for Residence Buildings in any use district, a floor area of 93,600 s/f is proposed where the maximum gross floor area is equal to approximately 43,560 s/f; and Section 357.08(b)(2) requires that there be no less than a 20' rear yard for a building of residential occupancy; but Section 357.08(b)(4) modifies the requirement to allow one-half of a 12' wide alley at the rear of the building to be assumed as a portion of the rear yard, or a proposed 6' rear yard; and Section 357.09(b)(2)C requires that interior side yards in connection with multiple dwellings be no less than 8' and none are proposed on the north side of the lot, nor is a detailed site plan provided; and the City Planning Commission approval is required in Section 337.25 of the Codified Ordinances.

Calendar No. 05-66: 6100 Memphis Avenue (Ward 16)

Anthony DiDonato, owner, appeals to install a double face, illuminated, freestanding pole sign in the front of a commercial building, situated on a 40' x 125' lot in a Local Retail Business District on the north side of Memphis Avenue at 6100 Memphis Avenue; subject to the limitations for Sign Regulations, the proposed sign is 18' high and the maximum sign height permitted is 12' as stated in Section 350.14(b) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 11, 2005

At the meeting of the Board of Zoning Appeals on Monday, April 11, 2005, the following appeals were heard by the Board:

The following appeal was **Approved**:

Calendar No. 05-55: 2904 Woodhill Road
William Jackson appealed to establish a day care use in a mixed use building in a Multi-Family District.

The following appeals were **Denied**:

Calendar No. 05-57: 6709 Sebert Avenue
Loundia Reed, Jr. appealed to establish a Type A Day Care in a one family dwelling in a Two-Family District.

Calendar No. 05-58: Appeal of Zulfikar A. Gill
Zulfikar A. Gill appealed from the suspension of a City of Cleveland Hack License issued March 8, 2005 by the Commissioner of Assessments and Licenses.

Calendar No. 05-59: 2367 East 63rd Street
Ralph and Valerie Williams appealed to install 77 1/2' of 4' high chain link fence along the front and along the front side yards in a Multi-Family District.

The following appeals were **Postponed**:

Calendar No. 05-11: 4526 Turney Road postponed to May 2, 2005.

Calendar No. 05-54: 10004-6 Adams Avenue postponed to May 9, 2005.

In Executive Session on April 11, 2005, the following appeals heard by the Board on April 4, 2005 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 05-43: 5803 Bridge Avenue - Unit A
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-44: 5803 Bridge Avenue - Unit B
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-45: 5803 Bridge Avenue - Unit C
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-46: 5713 Bridge Avenue - Unit D
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-47: 5713 Bridge Avenue - Unit E
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-48: 5713 Bridge Avenue - Unit F
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-49: 5713 Bridge Avenue - Unit G
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-50: 5713 Bridge Avenue - Unit H
Detroit Shoreway Community Development Association appealed to erect a three-story townhouse unit in a C1 Multi-Family District.

Calendar No. 05-53: 16800 South Waterloo Road
Musmor Properties appealed to establish use as a scrap metal recycling operation on acreage in zoning for Semi-Industry and General Industry Districts; w/condition.

The following appeal was **Denied**:

Calendar No. 05-14: Appeal of Nick Simone, 1958-60 East 120th Street
Nick Simone appealed from a decision of the Cleveland Landmarks Commission to Disapprove an Application for a Certificate of Appropriateness.

In Executive Session on April 11, 2005, the following appeal heard on December 20, 2004 was adopted and approved.

The following appeal was **Approved**:

Calendar No. 04-303: 1811 Grantham Avenue
Gwendolyn Carr appealed to erect a two-story dwelling and garage on the same parcel with an existing two family dwelling in a Multi-Family District; with conditions and a revised plan.

The following appeal heard on March 21, 2005 was adopted and **Approved**.

Calendar No. 05-38: 4081 West 150th Street
3D Real Estate Management Ltd. and Aero Instruments, tenant, appealed to install a parking lot for 21 spaces for a temporary period of 18 months in a B3 General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
April 6, 2005

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of

action of the subject meeting is given for publication in The City Record:

* * *

Docket A-137-02.

RE: Appeal of Accurate Plating Company c/o Charles A. Foley, Owner of the Property located on the premises known as 6512 Carnegie Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Director of the Department of Building and Housing, dated July 23, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to submit a complete plan submission for permitting by May 6, 2005, with the understanding that the project be completed by September of 2006; the property is REMANDED a this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Mr. Gallagher.

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

* * *

Docket A-93-03.

RE: Appeal of BMG Management Group, Owner of the Property located on the premises known as 13000 St. Clair Avenue from a ABATEMENT ORDER—FIRE CODE of the Director of the Department of Building and Housing, dated February 3, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to submit plans for approval, and a schedule of completion of the project by May 6, 2005; the property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-20-05.

RE: Appeal of Ronald Katz/Ohio Mills Supply, Owner of the Property located on the premises known as 1719 East 39th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated February 3, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 6, 2005 in which to repair the sprinkler system so that it is operable, and to grant the Appellant until June 6, 2005 in which to inform the Division of Fire if the system will be wet or dry; the property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

Docket A-30-05.

RE: Appeal of OCDS Limited Partnership, Owner of the Property located on the premises known as 1406-14 West 65th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 5, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the structure to remain at its present location with both floor slab and ceiling construction over the area of the washers and dryers and obviously in the new area of the supporting wall; and to grant the variance to the seven (7) feet and allow one seven (7) inch step to occur at the doorway into the work area of the laundry room; and allow the existing ceiling and the floor slabs in the two (2) adjacent areas to remain as they are planned at this time, but to require that appropriate signage be posted indicating low headroom and a warning indicating that there is a single step at the entrance of the facility. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-15-05—Brian E. Williams
- A-16-05—Christine Karlovec.
- A-27-05—Stonebridge Towers, Ltd.

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

* * *

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

- A-25-05—Geraldine Hatten.

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

* * *

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

- A-26-05 — Cleveland Housing Network.
- A-29-05—Minshall Development Co.

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

APPROVAL OF MINUTES:

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

March 23, 2005

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Not Voting: Mr. Bradley.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 1200 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, APRIL 21, 2005

Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2245-04, passed by the Council of the City of Cleveland, December 13, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 14, 2005 AT 11:00 A.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.

2005 Summer Food Program (Breakfasts, Lunches and Snacks), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2245-04, passed by the Council of the City of Cleveland, December 13, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 14, 2005 AT 12:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 471-05, passed by the Council of the City of Cleveland, March 28, 2005. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 14, 2005 AT 1:00 P.M., DIVISION OF RECREATION, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.

April 6, 2005 and April 13, 2005

FRIDAY, MAY 13, 2005

Nottingham Administration Building Project No. 457, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2294-04 pending.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 15, 2005 AT 9:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 6, 2005 and April 13, 2005

WEDNESDAY, APRIL 27, 2005

Fairview Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1114-02 and 2151-03, passed by the Council of the City of Cleveland, June 17, 2002 and December 15, 2003, respectively.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER.** THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY APRIL 21, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.**

Daimler Chrysler Vehicle Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 776-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY APRIL 21, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.**

Employment Access Center Furniture, for the Division of Workforce Development, Department of Economic Development, as authorized by Ordinance No. 424-04, passed by the Council of the City of Cleveland, April 19, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY APRIL 22, 2005 AT 10:00 A.M., 1701 EAST 13TH STREET, CLEVELAND, OHIO 44114.**

April 13, 2005 and April 20, 2005

FRIDAY, APRIL 29, 2005

Paper Products, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2291-04, passed by the Council of the City of Cleveland, January 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY APRIL 21, 2005 AT 2:00 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 13, 2005 and April 20, 2005

WEDNESDAY, MAY 4, 2005

GMC Medium and Heavy Duty Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 923-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING MONDAY APRIL 25, 2005 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.**

April 13, 2005 and April 20, 2005

THURSDAY, MAY 5, 2005

Repair and/or Replace Plumbing, Water, Sewer and Gas Lines for Buildings and Property Owned by CPP, for the Division of Cleveland

Public Power, Department of Public Utilities, as authorized by Ordinance No. 2289-04, passed by the Council of the City of Cleveland, January 24, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING THURSDAY, APRIL 28, 2005 AT 11:00 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.

Euclid Corridor Arterials and Vault Improvements, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1815-04, passed by the Council of the City of Cleveland, March 28, 2005.

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 APRIL 26, 2005 AT 10:00 A.M., CITY HALL, ROOM #518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 13, 2005 and April 20, 2005

FRIDAY, MAY 20, 2005

Liquid Chlorine, 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 FRIDAY MAY 6, 2005 AT 2:00 P.M., PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 13, 2005 and April 20, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 596-05.

By Council Member Britt.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit at 8502 Quincy Avenue, and repealing Resolution No. 1542-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 8502 Quincy Avenue, LLC, DBA Quincy Supersavers, 8502 Quincy Avenue, Cleveland, Ohio 44106, Permanent No. 7138777, by Resolution No. 1542-04 adopted by the Council on August 11, 2004; and

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

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That objection to a C1 Liquor Permit to 8502 Quincy Avenue, LLC, DBA Quincy Supersavers, 8502 Quincy Avenue, Cleveland, Ohio 44106, Permanent Number 7138777 be and the same is hereby withdrawn and Resolution No. 1542-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 4, 2005.

Effective April 6, 2005.

Res. No. 597-05.

By Council Member Coats.

An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 12730 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from F & A Beverage, Inc., 12730 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 26001810001 to 12730 St. Clair, Inc., DBA Quick and Easy, 12730 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 9116297; 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 pro-

viding 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, C2X and D6 Liquor Permit from F & A Beverage, Inc., 12730 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 26001810001 to 12730 St. Clair, Inc., DBA Quick and Easy, 12730 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 9116297; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 4, 2005.
Effective April 6, 2005.

Res. No. 598-05.

By Council Member Conwell.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 780-86 East 125th Street and repealing Resolution No. 1559-04, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to Lim Hunts Corporation, DBA Lim's Lounge, 780-86 East 125th Street, Cleveland, Ohio 44108, Permanent Number 5202390 by Resolution No. 1559-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Lim Hunts Corporation, DBA Lim's Lounge, 780-86 East 125th Street, Cleveland, Ohio 44108, Permanent Number 5202390 be and the same is hereby withdrawn and Resolution No. 1559-04, containing such objection, be and the same is hereby repealed and that this Council

consents to the immediate renewal thereof.

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

Adopted April 4, 2005.
Effective April 6, 2005.

Res. No. 599-05.

By Council Member Pierce Scott.
An emergency resolution objecting to a New C2 Liquor Permit at 974 Parkwood Drive.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at 974 Parkwood, Inc., DBA Al's Market, 974 Parkwood Drive, Cleveland, Ohio 44108, Permanent Number 6416350; 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 C2 Liquor Permit at 974 Parkwood, Inc., DBA Al's Market, 974 Parkwood Drive, Cleveland, Ohio 44108, Permanent Number 6416350; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions

of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 4, 2005.
Effective April 6, 2005.

Res. No. 600-05.

By Council Member Sweeney.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 15649 Puritas Avenue, and repealing Resolution No. 322-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Bhavna, Inc., 15649 Puritas Avenue, Cleveland, Ohio 44111, Permanent No. 0683891, by Resolution No. 322-05 adopted by the Council on February 28, 2005; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Bhavna, Inc., 15649 Puritas Avenue, Cleveland, Ohio 44111, Permanent Number 0683891 be and the same is hereby withdrawn and Resolution No. 322-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 4, 2005.
Effective April 6, 2005.

Res. No. 601-05.

By Council Member Sweeney.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 13909 Lorain Avenue, 1st floor, and repealing Resolution No. 323-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to EMC Properties, Inc., DBA Normandy Tavern, 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent No. 2503720, by Resolution No. 323-05 adopted by the Council on February 28, 2005; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to EMC Properties, Inc., DBA Normandy Tavern, 13999 Lorain Avenue, 1st floor, Cleveland, Ohio 44111, Permanent Number 2503720 be and the same is hereby withdrawn and Resolution No. 323-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 4, 2005.

Effective April 6, 2005.

Ord. No. 2394-03.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Burten, Bell, Carr Development, Inc.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-003 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 103-22-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 66 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot No. 66 has a frontage of 40 feet on the Southerly side of Cedar Avenue, S.E. and extends back between parallel lines 132 feet to the Northerly line of Rose Court, S.E. in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-038 as more fully described below to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly one-half of Sublot No. 19 in William William's Allotment of part of Original Ten Acre Lots Nos. 67 to 70, both inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., (formerly Garden Street) 63 feet wide at the Southwesterly corner of land conveyed to Fredrick Naumann, by deed dated August 27, 1864, and recorded in Volume 129, Page 203 of Cuyahoga County Records; thence Westerly along the Northerly line of Central Avenue, S.E., 25 feet, 6 inches to the Southwesterly corner of Sublot No. 19; thence Northerly along the Westerly line of said Sublot No. 19, 128 feet, 9 inches to the Northwesterly corner of said Sublot No. 19; thence Easterly along the Northerly line of said Sublot No. 19, to the Northwesterly corner of land so conveyed to Frederick Nauman; thence Southerly along the Westerly line of land so conveyed to Frederick Nauman, to the place of beginning, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-049 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 83 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 36th Street (formerly Rigby Street) and extending back 120 feet on the Northerly line, 122 feet 1/2 inch on the Southerly broken line and having a rear line of 49 feet 11 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-050 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 36th Street and extending back of equal width, 120 feet deep, be the same more less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-069 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 106 in the Horace P. Weddell's Subdivision of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records. Said Sublot has a frontage of 30 feet front on the Westerly side of East 37th Street as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-077 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

nance is more fully described as follows:

P. P. No. 103-022-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 and the North 10 feet from front to rear of Sublot No. 96 in H.P. Weddell's Subdivision of a part of Original Ten Acre Lots Nos. 64, 65 and 66 in said City. Said Sublot No. 97 and the part of Sublot No. 96 have a frontage of 50 feet on the West side of East 37th Street and extends back of equal width 117-11/12 feet deep according to the plat of said Subdivision recorded in Volume 2 of Maps, Page 30 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-091 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 6 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and bounded and described as follows:

Commencing at a point on the Westerly line of said Sublot No. 6, five feet Northerly from the Southwesterly corner of same, thence in an Easterly direction parallel to the Southerly side of said lot and five feet distant Northerly therefrom to the Easterly end of said lot, said point being five feet Northerly therefrom to the Southeast corner of said lot; thence in a Northerly direction 25 feet to a point in said Easterly line 30 feet Northerly from the Southeast corner of said lot; thence in a Westerly direction parallel to the Southerly line of said Sublot No. 30 feet distant Northerly from said Southerly line of Sublot No. 6 to East 37th Street (formerly Forest Street) thence Southerly along the Easterly line of East 37th Street (formerly Forest Street) 25 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-093 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet of Sublot No. 7 in Taylor and Hoyt's Subdivision of a part of Original One Hundred Acre Lot No. 66 in said city. Said part of said Sublot No. 7 has a frontage of 25 feet on East 37th Street, (formerly Forest Street), and extends back of equal width 73-5/12 feet deep, as per plat of said Subdivision recorded in Volume 2 of Maps, Page 34 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. 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. 103-22-094 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 8 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 37th Street at the Southwesterly corner of said Sublot No. 8; thence Northerly 30 feet along the said Easterly line of East 37th Street to a point; thence Easterly 73.42 feet parallel to the Northerly line of said Sublot No. 8 to a point in the Easterly line thereof; thence Southerly 30 feet along the Easterly line of said Sublot No. 8 to the Southeast corner thereof; thence Westerly 73.42 feet along the Southerly line of said Sublot No. 8 to the place of beginning, be the same more or less, but subject to all legal highways.

Section 19. 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. 103-22-095 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 8 and 9 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, ad bounded and described as follows:

Beginning on the Easterly line of East 37th Street at a point distant Northerly 30 feet from the South-

westerly corner of Sublot No. 8, thence Northerly 24 50/100 feet along the said Easterly line of East 37th Street to a point distant 25 50/100 feet from the Northwesterly corner of said Sublot No. 9, thence Easterly 73 42/100 feet parallel with the Northerly line of said Sublot No. 9 to a point to the Easterly line thereof; thence Southerly 24 50/100 feet along the Easterly line of said Sublot Nos. 9 and 8 to a point thence Westerly 73 42/100 feet parallel with the Northerly line of said Sublot No. 8 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. 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. 103-22-101 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 13 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly side of East 37th Street at a point distant Northerly 26.53 feet from the Southwesterly corner of said Sublot No. 12; thence Northerly 26.80 feet along the said Easterly line of East 37th Street to a point; thence Easterly 73.42 feet parallel with the Southerly line of said Sublot No.13 to a point in the Easterly line thereof; thence Southerly 26.80 feet along the Easterly line of said Sublot Nos. 12 and 13 to a point; thence Westerly 73.42 feet parallel with the Southerly line of said Sublot No. 13 to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 23. 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. 103-22-103 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 24. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.14 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 37th Street (formerly Wheat Street), and extending back

of equal width 73 feet, 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 25. 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. 103-22-122 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 26. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 10 and 11 in William Williams Subdivision of part of Original Ten Acre Lot Nos. 67, 68 and 69, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 38th Street (formerly William Street) at the Northeasterly corner of land conveyed to James S. Walker and Dorothy Walker by deed, dated August 1, 1941, and recorded in Volume 5281, Page 424 of Cuyahoga County Records; thence Northerly, along the Westerly line of East 38th Street, 36.50 feet to the Southeasterly corner of land conveyed to Jackson W. Brown, by deed dated March 17, 1951, and recorded in Volume 5221, Page 308 of Cuyahoga County Records; thence Westerly, along the Southerly line of land conveyed to Jackson W. Brown, 150.50 feet to the Westerly line of said Sublot No. 10; thence Southerly along the Westerly line of Sublot Nos. 10 and 11, 36.50 feet to the Northwesterly corner of land conveyed to James S. Walker and Dorothy Walker by deed aforesaid; thence Easterly, along the Northerly line of land so conveyed to James S. Walker and Dorothy Walker 150.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 27. 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. 103-22-125 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 28. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 13 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning in the Westerly line of East 38th Street (formerly Williams Street) at a point 9 feet Southerly

from the Northeast corner of said Sublot No. 13; thence Southerly along the Westerly line of East 38th Street, 41.01 feet to the Southeast corner said of Sublot No. 13, thence Westerly, 150.60 feet to the Southwest corner of said Sublot No. 13 thence Northerly along the Westerly line of said Sublot No. 13, to a point 9 feet Southerly from the Northwest corner thereof; thence Easterly parallel with the Northerly side of said Sublot No. 13, 150.60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 29. 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. 103-22-157 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 30. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-157

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 14, in the William Williams Subdivision of Original Ten Acre Lot Nos. 67, 68 and 69 and part of 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Westerly line of East 38th Street at a point distant Southerly measured along said Westerly line, 27 feet from the Northeasterly corner of said Sublot No. 14; thence Southerly, along the Westerly line of said East 38th Street, 3 feet; thence Westerly parallel with the Northerly line of said Sublot No. 14, 150.50 feet to the Westerly line of said Sublot No. 14; thence Northerly, along said Westerly line 30 feet to the Northwesterly corner of said Sublot No. 14, thence Easterly, along the Northerly line of said Sublot No. 14, 76 feet to a point distant Westerly measured along said Northerly line, 74.50 feet from the Westerly line of said East 38th Street, thence Southerly parallel with the Westerly line of said 38th Street, 27 feet; thence Easterly parallel with the Northerly line of said Sublot No. 14, 74.50 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 31. 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. 103-22-128 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 32. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 15 in William Williams Allotment of part of Original Ten

Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Westerly line of East 38th Street (formerly William Street) at the Southerly corner of land conveyed to Christian Sanger by deed dated September 5, 1967, and recorded in Volume 149, Page 487 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to Christian Sanger, 150 feet, 6 inches to the Westerly line of said Sublot No. 15; thence Southerly 27 feet; thence Easterly on a line parallel with the Southerly line of land so conveyed to Christian Sanger, 150 feet 6 inches to the Westerly line of East 38th Street, thence Northerly along the Westerly line of East 38th Street 27 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 33. 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. 103-22-166 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 34. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-166

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known and described as follows: Being parts of Sublot Nos. 12 and 13 in William W. Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 38th Street, at the Northeasterly corner of a parcel of land conveyed to Anderson White and Lucille White by deed dated August 6, 1946 and recorded in Volume 6219, Page 272 of Cuyahoga County Records; thence Northerly along the Westerly line of East 38th Street, 6 feet to a point; thence Westerly parallel to the Southerly line of Sublot No. 12, 88 feet 6 inches to a point; thence Northerly parallel to the Westerly line of East 38th Street, 36 feet to the Southerly line of a parcel of land conveyed to Nellie M. Walker by deed dated October 17, 1927 and recorded in Volume 3726, Page 247 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed, 62 feet to the Southwest corner thereof; thence Southerly along the Southerly lines of Sublot Nos. 12 and 13, 42 feet to the Northwesterly corner of land conveyed to Anderson White and Lucille White as first aforesaid; thence Easterly along the Northerly line of land so conveyed, 150 feet 6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 35. 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 36. 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 37. 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 38. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 4, 2005.
Effective April 6, 2005.

Ord. No. 6-04.
By Council Members Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to enter into an amendment to Contract No. 55936 with Omni Media Cleveland, Inc. to change the terms of the agreement.

Whereas, Ordinance No. 1143-99, passed on April 12, 1999, authorized the Mayor to enter into an Agreement for the design, construction, installation and maintenance of a network of kiosks providing directional and other information to be located throughout the City; and

Whereas, Omni Media Cleveland, Inc. has developed, designed, constructed, and installed, and is maintaining a network of directional and informational kiosks in the City; and

Whereas, based on experience with the kiosk program, amendments to the Agreement with Omni Media Cleveland, Inc. are necessary; 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. The Secretary of the City Planning Commission is authorized to enter to an amendment to the Agreement by and Between the City of Cleveland and Omni Media Cleveland, Inc., Contract No. 55936, to change the requirements for the lighting of the kiosks, to amend the installation timetable, to allow alternative security for maintenance, to clarify the authority of the Secretary of the City Planning Commission, to extend the duration of the Agreement to December 31, 2023, and to make other changes as the Law Director deems necessary to protect the interests of the City. All other terms and conditions of Contract No. 55936 shall remain the same.

Section 2. That the Secretary of the City Planning Commission is further authorized to enter into an amendment to the Agreement described above to allow Omni Media Cleveland, Inc. to install and/or operate vending kiosks on the right of way and on City-controlled property in the Central Business District on terms and conditions approved by the Board of Control, which terms and conditions shall include provisions similar to those contained in the Agreement for review of design and construction, materials, installation and location, electrification, maintenance, access, security, use, taxes and royalties, and posting and provisions providing that at least twenty-five percent of the advertising space available on the vending kiosk shall be devoted to visitor information. The term of the amendment for the vending kiosks shall be twenty years after installation.

Section 3. That notwithstanding any other ordinance or Codified Ordinance to the contrary, the Director of Public Service is authorized to issue a permit or permits to Omni Media Cleveland, Inc. to erect, construct, replace and maintain various vending kiosks on the sidewalks and other public ways of the Central Business District subject to all requirements including the location, access and security requirements in the Agreement.

Section 4. That notwithstanding any other ordinance or Codified Ordinance to the contrary, the vending kiosks may contain commercial advertisements not limited to products available at the kiosk and the vending kiosks may offer for sale products for the public convenience such as food, beverages, newspapers, magazines, and miscellaneous items.

Section 5. That notwithstanding any other ordinance or Codified Ordinance to the contrary, if Omni Media Cleveland, Inc. does not operate the vending kiosk, the Director of Parks, Recreation and Properties is authorized, to enter into a concession agreement, on the basis of competitive proposals, for the operation of a vending concession for food, beverages, newspapers, magazines, and miscellaneous items, at the vending kiosks described above. The selection of the vending kiosk operator shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties.

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

Passed April 4, 2005.
Effective April 6, 2005.

Ord. No. 2-05.
By Council Members Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 38823 with North Point Garage Limited Partnership for the lease and operation of the North Point Garage, terminating November 1, 2086.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is authorized to enter into an amendment to Contract No. 38823 with North Point Garage Limited Partnership to extend the term of the lease and operation of the North Point Garage until November 1, 2086.

In consideration for extending the term of the lease, North Point Garage Limited Partnership shall pay the City a one-time payment of \$3,750,000, to be deposited into the general fund. This one-time payment is in addition to the scheduled monthly rental payments which will continue through 2086. All other terms of the lease shall remain the same except that the Director of Finance shall develop a provision to be inserted into the lease to allow the City to buy back the lease in the event the City determines that the subject property is necessary for a public purpose, based upon a formula, and without the necessity of eminent domain. The formula for the buy back of the lease shall require additional legislative authority.

Section 2. That the term of the amendment shall be for forty-nine years, commencing on the effective date of the amendment and terminating on November 1, 2086.

Section 3. That the amendment authorized shall be prepared by the Director of Law.

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

Passed March 28, 2005.
Vetoed April 7, 2005.

Ord. No. 14-05.**By Council Member Conwell.**

An emergency ordinance to name the playground located at East 113th Street and St. Clair Avenue as "James O'Neal Johnson Family Playground".

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 new playground located at East 113th Street and St. Clair Avenue is hereby named "James O'Neal Johnson Family Playground".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 270-05.**By Council Members Coats and Jackson (by departmental request).**

An emergency ordinance authorizing an agreement between the City and the State of Ohio to replace two generators at remote locations in exchange for use by the City.

Whereas, the City owns and operates electric generators at several locations, including the Cuyahoga County Justice Center and the Sheraton Cleveland Airport Hotel, to provide back-up power for the City's 800 MHz radio system equipment; and

Whereas, the State of Ohio has proposed to replace both generators with larger generators to provide back-up power for both the City's and the State's radio system equipment at both locations; and

Whereas, the State of Ohio has proposed to allow the City's use of the back-up power in exchange for the City's agreement to maintain the generators; 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 Public Utilities is authorized to enter into an agreement with the State of Ohio to replace two City-owned generators at the Cuyahoga County Justice Center and the Sheraton Cleveland Airport Hotel with larger generators to provide back-up power for the City's and the State's radio communications systems.

Section 2. That in consideration for the City's use of the new generators, the City will agree to maintain the generators, but the City's use will otherwise be at no cost to the City.

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

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

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 271-05.**By Council Members Coats and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more contracts of hardware and software upgrades for two T.V. inspection trucks, and maintenance for a one year period, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: hardware and software upgrades for two T.V. inspection trucks, and maintenance for a one year term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 54 SF 001, Request No. 150023.

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

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 354-05.**By Council Members Coats and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary to design, layout, produce, and distribute 2004 and 2005 annual reports and other customer public information and promotional materials, for the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, layout, produce, and distribute 2004 and 2005 annual reports and other customer public information and promotional materials, including but not limited to writing, photography and artwork offset lithographic reproduction, for the various divisions of the Department of Public Utilities.

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, 54 SF 001, and 58 SF 001, Request No. 149019.

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

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 355-05.**By Council Members Coats and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary to design, layout, produce, and distribute 2004 and 2005 consumer confidence reports, 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 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, layout, produce, and distribute 2004 and 2005 consumer confidence reports, including but not limited to writing, photography and artwork offset lithographic reproduction, for the Division of Water, Department of Public Utilities.

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. 149022.

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

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 370-05.
By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with 1104 Prospect Avenue Park And Lock, LLC, or its designee, to provide economic development assistance to partially finance the construction and rehabilitation of the Prospect Place Apartments located at 1104 Prospect Avenue, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with 1104 Prospect Avenue Park And Lock, LLC, or its designee, to provide economic development assistance to partially finance the construction and rehabilitation of the Prospect Place Apartments located at 1104 Prospect Avenue, and all other associated costs necessary to redevelop the property.

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

in File No. 370-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Five Hundred Thousand Dollars (\$500,000), and shall be paid from Fund No. 10 SF 545, which funds are appropriated for this purpose, Request No. 125788.

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

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

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

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

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

Passed March 28, 2005.

Effective April 7, 2005, without the signature of the Mayor.

Ord. No. 412-05.
By Council Members Coats, Gordon, White and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into a tax-sharing agreement or agreements with the Village of Richfield for the purpose of sharing in tax revenues generated in the Joint Economic Development District located in Richfield Township in exchange for the City's extension of water service.

Whereas, the City of Cleveland's Division of Water provides water service to the Village of Richfield under direct Water Service Agreement No. 32095, entered into on April 16, 1982; and

Whereas, the Village of Richfield and the Township of Richfield are engaged in negotiations to enter into a Joint Economic Development District ("JED District") agreement to improve and develop designated property within the Township of Richfield and to share income-tax revenues generated by businesses that locate within the JED District; and

Whereas, one of the contributions the Village of Richfield wishes to provide to the District is the provision of Cleveland water service; and

Whereas, the Village of Richfield has requested the Division of Water to amend the service area contained in the Water Service Agreement to include the JED District; and

Whereas, as a condition to providing water to the JED District, the Division of Water wishes to enter into an agreement with the Village of Richfield, so that Cleveland's General Fund may share equally with the Village of Richfield and the Township of Richfield in the net income-tax revenues generated by the JED District; and

Whereas, retaining existing water customers and adding new customers through the expansion of the Division of Water's service area increases the rate base, promotes rate stability, minimizes the need for future rate increases, and improves the Division of Water's bond credit rating, to the benefit of all Division of Water customers and bondholders; now, therefore,

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

Section 1. That the Director of Finance is authorized to enter into a tax-sharing agreement or agreements with the Village of Richfield and other necessary public authorities to share in the income-tax receipts generated through the JED District agreement between the Village of Richfield and the Township of Richfield.

Section 2. That the agreements authorized by this ordinance shall entitle the City to share equally with the Village of Richfield and the Township of Richfield in the JED District's net income-tax revenues, which, after payment of administrative expenses, shall consist of not less than ninety percent (90%) of the gross income-tax revenues.

Section 3. That the term of the agreements authorized by this ordinance shall not exceed fifty years. The Director of Finance may extend the agreements for an additional fifty-year term provided that the terms and conditions of the tax-sharing agreements or similar terms remain in force, and provided additional legislative authority is secured.

Section 4. That all payments by the Village of Richfield under the agreements authorized by this ordinance shall be deposited in the City's General Fund.

Section 5. That the Director of Public Utilities and the Director of Finance are authorized to execute on behalf of Cleveland all necessary documents to effectuate the purposes of this ordinance.

Section 6. That upon execution of any agreement authorized by this ordinance, the Director of Finance shall provide a copy to the Clerk of Council for inclusion in a legislative file.

Section 7. That any notices required to be served upon the City under any agreements authorized by this ordinance shall also be served upon the Clerk of Council.

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

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 423-05.
By Council Member Pierce-Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Home Builders Association of Greater Cleveland or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-121 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 109-10-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bonded and described as follows, to wit:

And known as being part of Sublot No. 11 in C.C. Baldwin's Allotment of a part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Being on the Easterly line of East 101st St., (formerly Eaton Street), as the Northwesterly corner of Sublot No. 11;

Thence Southerly along the Easterly line of East 101st Street, 40 feet to the Southerly corner of said Sublot;

Thence Easterly along the Southerly line of said Sublot, 117.70 feet to the Southwesterly corner of land conveyed Julia Baisch by Deed dated January 31, 1921 and recorded in Volume 2475, Page 294 of Cuyahoga County Records;

Thence Northerly along the Westerly line of land so conveyed, 40 feet to the Northeasterly corner of said Sublot No. 11;

Thence Westerly along the Northerly line of said Sublot No. 117.70 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-128 as more fully described below to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-10-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 101st Street and extending back of equal width 112 feet as appears by said plat.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-129 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-10-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Eaton Street (now known as East 101st Street) and extending back of equal width 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-130 as more fully described, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-10-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 101st Street and extending back of equal width 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-131 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

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

P. P. No. 109-10-131

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being Sublot No. 18 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 101st Street and extending back of equal width 112 feet as appears by said plat.

Subject to zoning ordinances if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-132 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Charles C. Baldwin Subdivision known of part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 101st Street (formerly East 101st St.) and extending back of equal width 112 feet as appears by said plat, be the same, more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-137 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 33 feet front on the Easterly line of East 100th Street and extending back between parallel lines 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-138 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. 109-10-138

Tract No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as all of Sublots

No. 21 and 39 and part of Sublot No. 40 in the C.C. Baldwin's Subdivision of part of Original 100 Acre Lot No. 385 as shown by the recorded in Volume 17, Page 7, Cuyahoga County Map Records and is bounded and described as follows:

The beginning point is on the West line of East 101st Street (40 feet wide) at the southeast corner of said Sublot No. 21;

Course 1: Thence North along said west line of East 101st Street, 40.00 feet to the northeast corner of said Sublot No. 21;

Course 2: Thence West along the north line of said Sublot No. 21, 111.98 feet to the northwest corner of said Sublot No. 21;

Course 3: Thence South 00 degrees 00' 10" West along the west line of said Sublot No. 21, 1.64 feet;

Course 4: Thence West along the north line of a brick building, 5.70 feet;

Course 5: Thence South along the wall of a brick building, 2.60 feet;

Course 6: Thence West along said brick building, 2.55 feet;

Course 7: Thence South along said brick building, 2.59 feet;

Course 8: Thence South 89 degrees 38' 20" West along the north wall of a two story brick building and its westerly prolongation, 103.73 feet to a point on the east line of East 100th Street (40 feet wide) which is distant South 00 degrees 00' 20" West along said east line, 31.49 feet from the northwest corner of said Sublot No. 40;

Course 9: Thence South 00 degrees 00' 20" West along said east line of East 100th Street 34.51 feet to the southwest corner of said Sublot No. 39;

Course 10: Thence South 89 degrees 59' 40" East along the south line of said Sublot No. 39, 111.98 feet to the southeast corner of said Sublot No. 39;

Course 11: Thence North 00 degrees 00' 10" East along the east line of said Sublot No. 39, 2.00 feet to the southwest corner of said Sublot No. 21;

Course 12: Thence East along the south line of said Sublot No. 21, 111.98 feet to the beginning.

Together with an easement for purposes of a driveway and ingress and egress in or from the above described premises over Sublot No. 38 in said C.C. Baldwin's Subdivision, which easement is bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as part of Sublot No. 38 in the C.C. Baldwin's Subdivision of part of Original 100 Acre Lot No. 385 as shown on plat recorded in Volume 17, Page 7, Cuyahoga County Map Records and is bounded and described as follows:

The Beginning point is on the east line of East 100th Street (40 feet wide) at the southwest corner of said Sublot No. 38;

Course 1: Thence South 89 degrees 59' 40" East along the south line of said Sublot No. 38, 94.47 feet;

Course 2: Thence North 00 degrees 00' 10" East parallel with the east line of said Sublot No. 38, 33.00 feet to the north line of said Sublot No. 38;

Course 3: Thence North 89 degrees 59' 40" West along said north line of Sublot No. 38, 7.50 feet;

Course 4: Thence South 00 degrees 00' 10" West, parallel with Course 2, 18.00 feet;

Course 5: Thence South 45 degrees 00' 10" West, 10.61 feet;

Course 6: Thence North 89 degrees 59' 40" West parallel with the south line of said Sublot No. 38, 79.47 feet to said east line of East 100th Street;

Course 7: Thence South 00 degrees 00' 20" West along said east line of East 100th Street 7.50 feet to the beginning.

Tract No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as part of Sublot No. 40 in the C.C. Baldwin's Subdivision of part of Original 100 Acre Lot No. 385 as shown by the recorded in Volume 17, Page 7, Cuyahoga County Map Records and is bounded and described as follows:

The beginning point is on the east line of East 100th Street (40 feet wide) at the northwest corner of said Sublot No. 40;

Course 1: Thence South 89 degrees 59' 40" East along the north line of said Sublot No. 40, 111.99 feet to the northeast corner of said Sublot;

Course 2: Thence South 00 degrees 00' 10" West along the east line of Sublot No. 40, 25.64 feet;

Course 3: Thence West along the north line of a brick building, 5.70 feet;

Course 4: Thence South along the wall of a brick building, 2.0 feet;

Course 5: Thence West along said brick building, 2.55 feet;

Course 6: Thence South along said brick building, 2.59 feet;

Course 7: Thence South 89 degrees 38' 20" West along the north wall of a two story brick building and its westerly prolongation, 103.73 feet to a point on the east line of East 100th Street, which is distant North 00 degrees 00' 20" East along said east line 1.51 from the southwest corner of said Sublot No. 40;

Course 8: Thence North 00 degrees 00' 20" East along said east line of East 100th Street, 31.49 feet to the beginning.

Section 17. 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. 109-10-139 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 38 in the C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown on the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records. Said Sublot No. 38 has a frontage of 33 feet on the easterly side of Norwich St (now known as E. 100th St.) and extends back between parallel lines 112 feet as appears by said plat, be the same more or less but subject to all legal highways.

Section 19. 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 20. 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 21. 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 22. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 4, 2005.

Effective April 6, 2005.

Ord. No. 476-05.

By Council Member Pierce-Scott.
An emergency ordinance authorizing the Director of Economic Development to enter into contract with Lakeview Square I, Ltd., to provide development assistance to finance the acquisition of real property at 11905 Superior Avenue.

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

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

Whereas, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, the project has been approved; and

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

Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Economic Development is authorized to enter into contract with Lakeview Square I, Ltd. to provide development assistance to finance the acquisition of real property at 11905 Superior Avenue.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 476-05-A, Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the con-

tract shall not exceed One Million Four Hundred Thousand Dollars (\$1,400,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103645.

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

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

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal

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

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

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

Passed April 4, 2005.
Effective April 6, 2005.

Ord. No. 544-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to reallocate funds appropriated for the use of the Housing Division of the Judicial Branch and the Clerks Division of the Judicial Branch under the annual appropriation measure, Ordinance No. 125-05, passed March 28, 2005.

Whereas, in the City's annual appropriation measure, Ordinance No. 125-05, passed March 28, 2005, the total amount of funds appropriated for the use of the Housing Division was inadvertently listed as \$9,921,289 instead of the correct figure of \$2,801,680; and

Whereas, the total amount of funds appropriated for the use of the Clerk Division was inadvertently listed as \$2,787,513 instead of the correct figure of \$9,907,122; and

Whereas, the total amount of funds appropriated for the use of the Judicial Division remains unchanged at \$21,003,577; and

Whereas, the total appropriation for each of these Divisions must be reallocated and transferred within the Judicial Branch to correctly show the Division's appropriations; and

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 total appropriation for the Judicial Branch in Ordinance No. 125-05, passed March 28, 2005, is reallocated and transferred as follows:

GENERAL FUND		
JUDICIAL BRANCH		
Judicial Division		\$ 21,003,577
I. Personnel and Related Expenses	\$18,555,597	
II. Other Expenses	\$ 2,447,980	
Housing Division		\$ 2,801,680
I. Personnel and Related Expenses	\$ 2,660,210	
II. Other Expenses	\$ 141,470	
Clerk's Division		\$ 9,907,122
I. Personnel and Related Expenses	\$ 7,998,453	
II. Other Expenses	\$ 1,908,669	
TOTAL JUDICIAL BRANCH		\$ 33,712,379
TOTAL GENERAL FUND		\$477,947,062

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

Passed April 4, 2005.
Effective April 5, 2005.

Ord. No. 593-05.
By Council Member Britt.
An emergency ordinance consenting and approving the issuance of a permit for the Run This Way 5K, on October 22, 2005, scheduled by Hermes Sports and Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of Run This Way 5K, scheduled by Hermes Sports and Events on October 22, 2005, with the Run beginning at East 105th and Carnegie, East 105th to MLK, turn around and return the same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 4, 2005.
 Effective April 5, 2005.

Ord. No. 594-05.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Browns Touchdown Run, on July 23, 2005, promoted by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Browns Touchdown Run, promoted by Hermes Sports & Events on July 23, 2005, with the Run beginning at the Cleveland Browns Stadium: Erieside & Al Lerner Way, Erieside to East 9th, East 9th to Superior, Superior to West 3rd, West 3rd to Lakeside, Lakeside to East 9th, East 9th to Erieside, Erieside to Al Lerner Way, to West 3rd, finish at the Browns Stadium, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 4, 2005.
 Effective April 5, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, April 11, 2005
9:30 a.m.

Public Parks, Property and Recreation Committee: Present: Johnson, Chair; Dolan, Rybka. *Authorized Absence:* White, Vice Chair; Cimperman, Jones, Sweeney. *Pro-tempore:* Coats.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, O'Malley, Reed, Pierce Scott, Westbrook, White. *Authorized Absence:* Gordon.

Tuesday, April 12, 2005
9:30 a.m.

Finance Committee (Special Hearing): Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Coats, Reed, Pierce Scott, Westbrook. *Authorized Absence:* Britt, Gordon, O'Malley, White.

Wednesday, April 13, 2005
10:00 a.m.

Aviation and Transportation Committee: Present: Westbrook, Chair; Sweeney, Vice Chair; Britt, Reed, Rybka. *Authorized Absence:* Dolan, Gordon.

1:30 p.m.

City Planning (Zoning) Committee: Present: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

2:00 p.m.

City Planning Committee: Present: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Adult Entertainment

Adult video arcades and adult live entertainment arcades — amend Sections 237.01, 237.02, 237.03, 237.04 (O 650-05) 599

Agreements

Generators (2) — replace — agreement between the City and the State of Ohio (O 270-05) **621**
 Richfield, Village of — tax-sharing agreement — Joint Economic Development District — exchange for extension of water service (O 412-05) **622**

Annual Reports

Utilities Department — Annual reports 2004 & 2005 — customer public information — promotional materials — professional consultants — various divisions (O 354-05) **621**

Appreciation

Baeppler, Fire Fighter Chris (R 689-05) 594
 Butler, Fire Fighter Mark (R 690-05) 594
 Cleveland Fire Station #41 (R 684-05) 594
 Collins, Assistant Chief Brent (R 685-05) 594
 Daley, Lt. Mike (R 687-05) 594

Ehrett, Fire Fighter Mark (R 691-05)..... 594
 Johnson, Marjorie Witt (R 683-05)..... 594
 Lally, Lt. Tom (R 688-05)..... 594
 McNamara, Battalion Chief Tim (R 686-05)..... 594
 Mikes, Fire Fighter Al (R 692-05)..... 594
 Perrin, Fire Fighter Jamal (R 693-05)..... 594

Appropriations

Battery Park Development Project — public road construction — appropriate property —
 W. 74th & Goodwalt Ave. (R 233-05)..... 608
 Demolition and Board-up Programs — Community Development Block Grant funds (O 653-05)..... 601
 E. 152nd St., 1050 — appropriate property — all-weather track and football-field complex (O 555-05)..... 608

Board of Building Standards and Building Appeals

Carnegie Avenue, 6512, (Ward 5) — Accurate Plating Company, c/o Charles A. Foley, owner —
 appeal resolved on 4/6/05 (Doc. A-137-02)..... 613
 Detroit Avenue, 2222, (Ward 13) — Stonebridge Towers, Ltd., owner — appeal adopted
 on 4/6/05 (Doc. A-27-05)..... 614
 East 156th Street, 221, (Ward 11) — Brian E. Williams, owner — appeal adopted on 4/6/05 (Doc. A-15-05)..... 614
 East 39th Street, 1719, (Ward 13) — Ronald Katz / Ohio Mills Supply, owner — appeal
 resolved on 4/6/05 (Doc. A-20-05)..... 613
 East 80th Street, 2534, (Ward 6) — Geraldine Hatten, owner, c/o Tracy B. Hodge,
 Contractor — appeal adopted on 4/6/05 (Doc. A-25-05)..... 614
 East 9th Street, 1301, (Ward 13) — Minshall Development Co., owner — appeal adopted on
 4/6/05 (Doc. A-29-05)..... 614
 Sebert Avenue, 6527, (Ward 12) — Christine Karlovec, owner — appeal adopted on 4/6/05 (Doc. A-16-05)..... 614
 St. Clair Avenue, 13000, (Ward 10) — BMG Management Group, owner — appeal resolved
 on 4/6/05 (Doc. A-93-03)..... 613
 West 65th Street, 1406-14, (Ward 17) — OCDS Limited Partnership, owner — appeal resolved
 on 4/6/05 (Doc. A-30-05)..... 614
 West 7th Street, 2478, (Ward 13) — Cleveland Housing Network, owner — appeal adopted on
 4/6/05 (Doc. A-26-05)..... 614

Board of Control — Community Development Department

Carver Park Estates — Phase 2 — contract per Ord. 241-03, 283-05 to Fabrizi Trucking &
 Paving Company, Inc. — Division of Engineering and Construction, Depts. of Public
 Service and Public Utilities (BOC Res. 161-05)..... 610
 Cedar Avenue (Ward 8) — PPN 119-28-023 — to Mahmoud Jaber per Ord. 2369-04 (BOC Res. 165-05)..... 611
 Clark Avenue (Ward 17) — PPN 006-30-009/010 — to Stockyard Development Organization per
 Ord. 182-05 (BOC Res. 166-05)..... 611
 East 101st Street and Tanner Street (Ward 8) — PPN 109-10-118 (part of) and 109-10-102 —
 to Joe Gibbons (BOC Res. 167-05)..... 611
 East 101st Street (Ward 8) — PPN 109-10-123 (part of) — to Arthur Jones (BOC Res. 168-05)..... 612

Board of Control — Convention Center and Stadium Division

Ohio Classic/Community Quarterback Foundation Old School Funk Comedy Jam
 at Convention Center — April 15, 2005 — free of charge — exception to BOC Res.
 117-03 — Dept. of Parks, Recreation and Properties (BOC Res. 162-05)..... 610

Board of Control — Engineering and Construction Division

Carver Park Estates — Phase 2 — contract per Ord. 241-03, 283-05 to Fabrizi Trucking &
 Paving Company, Inc. — Depts. of Public Service, Community Development and Public
 Utilities (BOC Res. 161-05)..... 610

Board of Control — Finance Department

Computer hardware, software, maintenance and support — contract per Ord. 126-05 to Dell
 Marketing, L.P. (BOC Res. 155-05)..... 609
 Microfiche and CD-Rom services — contract per Ord. 2006-04 to High Line Corporation,
 d.b.a., Casnet (BOC Res. 154-05)..... 609
 Paper products and cloth wipers — contract per Ord. 1658-04 to Graham Enterprises, Inc.,
 d.b.a., Aries Distribution (BOC Res. 153-05)..... 608

Board of Control — Land Reutilization Program

Cedar Avenue (Ward 8) — PPN 119-28-023 — to Mahmoud Jaber per Ord. 2369-04 (BOC Res. 165-05)..... 611
 Clark Avenue (Ward 17) — PPN 006-30-009/010 — to Stockyard Development Organization per
 Ord. 182-05 (BOC Res. 166-05)..... 611
 East 101st Street and Tanner Street (Ward 8) — PPN 109-10-118 (part of) and 109-10-102 —
 to Joe Gibbons (BOC Res. 167-05)..... 611
 East 101st Street (Ward 8) — PPN 109-10-123 (part of) — to Arthur Jones (BOC Res. 168-05)..... 612

Board of Control — Land Reutilization Program (Ward 8)

Cedar Avenue (Ward 8) — PPN 119-28-023 — to Mahmoud Jaber per Ord. 2369-04 (BOC Res. 165-05)	611
East 101st Street and Tanner Street (Ward 8) — PPN 109-10-118 (part of) and 109-10-102 — to Joe Gibbons (BOC Res. 167-05)	611
East 101st Street (Ward 8) — PPN 109-10-123 (part of) — to Arthur Jones (BOC Res. 168-05)	612

Board of Control — Land Reutilization Program (Ward 17)

Clark Avenue (Ward 17) — PPN 006-30-009/010 — to Stockyard Development Organization per Ord. 182-05 (BOC Res. 166-05)	611
--	-----

Board of Control — Motor Vehicle Maintenance Division

Batteries, equipment and vehicle — contract per Ord. 772-04 to Crown Battery Mfg. Co., Inc. — Dept. of Public Service (BOC Res. 159-05)	610
Chevrolet passenger car parts and labor — assign Contract #61452 per BOC Res. 313-03 — Tony La Riche Chevrolet to Pat O'Brien Chevrolet — Dept. of Public Service (BOC Res. 157-05)	609

Board of Control — Parks, Recreation and Properties Department

Fitness equipment and maintenance services — contract per Ord. 184-05 to Fitness Brokers Company — Division of Recreation (BOC Res. 163-05)	611
Fitness equipment and maintenance services — per Ord. 184-05 — bids rejected — Division of Recreation (BOC Res. 164-05)	611
Ohio Classic/Community Quarterback Foundation Old School Funk Comedy Jam at Convention Center — April 15, 2005 — free of charge — exception to BOC Res. 117-03 — Division of Convention Center and Stadium (BOC Res. 162-05)	610

Board of Control — Port Control Department

Asbestos abatement, air sampling and disposal — approve subconsultant — BOC Res. 113-05 (BOC Res. 156-05)	609
--	-----

Board of Control — Professional Service Contracts

Asbestos abatement, air sampling and disposal — approve subconsultant — BOC Res. 113-05 — Dept of Port Control (BOC Res. 156-05)	609
Engineering services for Kamm's Corner streetscape project — additional services per Ord. 1667-04 — amend BOC 586-03, 542-03, 435-03 — Dept. of Public Service (BOC Res. 158-05)	609

Board of Control — Public Improvement Contracts

Carver Park Estates — Phase 2 — contract per Ord. 241-03, 283-05 to Fabrizi Trucking & Paving Company, Inc. — Division of Engineering and Construction, Depts. of Public Service, Community Development and Public Utilities (BOC Res. 161-05)	610
--	-----

Board of Control — Public Service Department

Batteries, equipment and vehicle — contract per Ord. 772-04 to Crown Battery Mfg. Co., Inc. — Division of Motor Vehicle Maintenance (BOC Res. 159-05)	610
Cab / chassis with USV body, medium and large — per Ord. 1481-04 — all bids rejected (BOC Res. 160-05)	610
Carver Park Estates — Phase 2 — contract per Ord. 241-03, 283-05 to Fabrizi Trucking & Paving Company, Inc. — Division of Engineering and Construction, Depts. of Community Development and Public Utilities (BOC Res. 161-05)	610
Chevrolet passenger car parts and labor — assign Contract #61452 per BOC Res. 313-03 — Tony La Riche Chevrolet to Pat O'Brien Chevrolet — Division of Motor Vehicle Maintenance (BOC Res. 157-05)	609
Engineering services for Kamm's Corner streetscape project — additional services per Ord. 1667-04 — amend BOC 586-03, 542-03, 435-03 (BOC Res. 158-05)	609

Board of Control — Public Utilities Department

Carver Park Estates — Phase 2 — contract per Ord. 241-03, 283-05 to Fabrizi Trucking & Paving Company, Inc. — Division of Engineering and Construction, Depts. of Public Service and Community Development (BOC Res. 161-05)	610
--	-----

Board of Control — Recreation Division

Fitness equipment and maintenance services — contract per Ord. 184-05 to Fitness Brokers Company — Dept. of Parks, Recreation and Properties (BOC Res. 163-05)	611
Fitness equipment and maintenance services — per Ord. 184-05 — bids rejected — Dept. of Parks, Recreation and Properties (BOC Res. 164-05)	611

Board of Control — Requirement Contracts

Batteries, equipment and vehicle — contract per Ord. 772-04 to Crown Battery Mfg. Co., Inc. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 159-05) 610

Chevrolet passenger car parts and labor — assign Contract #61452 per BOC Res. 313-03 — Tony La Riche Chevrolet to Pat O'Brien Chevrolet — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 157-05) 609

Computer hardware, software, maintenance and support — contract per Ord. 126-05 to Dell Marketing, L.P. — Dept. of Finance (BOC Res. 155-05)..... 609

Microfiche and CD-Rom services — contract per Ord. 2006-04 to High Line Corporation, d.b.a., Casnet — Dept. of Finance (BOC Res. 154-05) 609

Paper products and cloth wipers — contract per Ord. 1658-04 to Graham Enterprises, Inc., d.b.a., Aries Distribution — Dept. of Finance (BOC Res. 153-05)..... 608

Board of Control — Standard Purchase Contracts

Fitness equipment and maintenance services — contract per Ord. 184-05 to Fitness Brokers Company — Division of Recreation, Dept. of Parks, Recreation and Properties (BOC Res. 163-05) 611

Board of Zoning Appeals — Report

Adams Avenue, 10004-6, (Ward 8) — Elaine and Terrence McKellar, owners — appeal postponed to 5/9/05 on 4/11/05 (Cal. 05-54)..... 613

Bridge Avenue, 5713, Unit D, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-46)..... 613

Bridge Avenue, 5713, Unit E, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-47)..... 613

Bridge Avenue, 5713, Unit F, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-48) 613

Bridge Avenue, 5713, Unit G, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-49)..... 613

Bridge Avenue, 5713, Unit H, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-50)..... 613

Bridge Avenue, 5803, Unit A, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-43)..... 613

Bridge Avenue, 5803, Unit B, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-44)..... 613

Bridge Avenue, 5803, Unit C, (Ward 17) — Detroit Shoreway Community Development Association, owner c/o Matthew Bennett, agent — appeal granted and adopted on 4/11/05 (Cal. 05-45)..... 613

East 120th Street, 1958-60, (Ward 6) — Nick Simone, owner — appeal denied and adopted on 4/15/05 (Cal. 05-14)..... 613

East 63rd Street, 2367, (Ward 5) — Ralph and Valerie Williams, owners — appeal heard on 4/11/05 (Cal. 05-59)..... 613

Grantham Road, 1811, (Ward 10) — Gwendolyn Carr, owner — appeal granted and adopted on 4/11/05 (Cal. 04-303)..... 613

Sebert Avenue, 6709, (Ward 12) — Loundia Reed, Jr., owner — appeal heard on 4/11/05 (Cal. 05-57) 613

Turney Road, 4526, (Ward 2) — Elias Semaan, owner — appeal postponed to 5/2/05 on 4/11/05 (Cal. 05-11) 613

Waterloo Road, 16800, (Ward 11) — Musmor Properties LLC, c/o Tom Grist, and Dan Roberts, agent — appeal granted and adopted on 4/11/05 (Cal. 05-53) 613

West 150th Street, 4081, (Ward 20) — 3D Real Estate Management Ltd., owner c/o Norman Slemenda and Aero Instruments, c/o John Creech — appeal granted and adopted on 4/11/05 (Cal. 05-38) 613

Woodhill Road, 2904, (Ward 4) — William Jackson, owner — appeal heard on 4/11/05 (Cal. 05-55) 613

Board of Zoning Appeals — Schedule

East 31st Street, 1583, (Ward 13) — Mueller Electric, owner and Mueller Condominiums LLC c/o Tesco, prospective purchaser and Scott Bofinger, agent — appeal to be heard on 4/25/05 (Cal. 05-65)..... 612

Memphis Avenue, 6100, (Ward 16) — Anthony DiDonato, owner — appeal to be heard on 4/25/05 (Cal. 05-66)..... 612

Pearl Road, 4376, (Ward 16) — Thomas Walsh, owner — appeal to be heard on 4/25/05 (Cal. 05-64) 612

Storer Avenue, 6104, (Ward 17) — Khalil Ewais, owner — appeal to be heard on 4/25/05 (Cal. 05-39) 612

Building and Housing Department

Demolition and Board-up Programs — appropriation — Community Development Block Grant funds (O 653-05) 601

City of Cleveland Bids

Daimler Chrysler vehicle parts and labor — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 776-04 — bid due April 27, 2005 (advertised 4/13/2005 and 4/20/2005).....	615
Euclid Corridor areaways and vault improvements — Department of Public Service — Division of Engineering and Construction — per Ord. 1815-04 — bid due May 5, 2005 (advertised 4/13/2005 and 4/20/2005).....	615
Fairview Park site improvements — Department of Parks, Recreation and Properties — Division of Research, Planning and Development — per Ord. 1114-02, 2151-03 — bid due April 27, 2005 (advertised 4/13/2005 and 4/20/2005)	614
Food, food products, beverages, condiments and paper products for Camp Forbes — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 2245-04 — bid due April 21, 2005 (advertised 4/6/2005 and 4/13/2005)	614
Furniture for Employment Access Center — Department of Economic Development — Division of Workforce Development — per Ord. 424-04 — bid due April 27, 2005 (advertised 4/13/2005 and 4/20/2005).....	615
GMC medium and heavy duty truck parts and labor — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 923-04 — bid due May 4, 2005 (advertised 4/13/2005 and 4/20/2005).....	615
Liquid chlorine — Department of Public Utilities — Division of Water — per C.O. Sec. 129.24 — bid due May 20, 2005 (advertised 4/13/2005 and 4/20/2005)	615
Nottingham Administration Building Project No. 457 — Department of Public Utilities — Division of Water — per Ord. 2294-04 — bid due May 13, 2005 (advertised 4/6/2005 and 4/13/2005).....	614
Paper products — Department of Public Utilities — Division of Water — per Ord. 2291-04 — bid due April 29, 2005 (advertised 4/13/2005 and 4/20/2005)	615
Plumbing, sewer and gas line repair — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 2289-04 — bid due May 5, 2005 (advertised 4/13/2005 and 4/20/2005).....	615
Pool chemicals — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 471-05 — bid due April 21, 2005 (advertised 4/6/2005 and 4/13/2005).....	614
Summer Food Program, 2005 (breakfasts, lunches, snacks) — Department of Parks, Recreation and Properties — Division of Recreation — per Ord. 2245-04 — bid due April 21, 2005 (advertised 4/6/2005 and 4/13/2005).....	614

City Council

ADT Security Services, Inc. — amend City Contract No. 60859 — City Council's security system (O 661-05)	606
---	-----

City Planning Commission

Institutional-Research Districts — new Sections 340.01 to 340.07 — definitions — new Section 325.501, 325.471, and 325.570 (O 656-05)	602
Omni Media Cleveland, Inc. — Contract No. 55936 — amendment — City Planning Commission (O 6-04)	620
Waterloo Community Entertainment District — Ord. No. 294-05 — Public Hearing Notice — Call & Post Newspaper (F 294-05-B).....	594

Clerk of Council

ADT Security Services, Inc. — amend City Contract No. 60859 — City Council's security system (O 661-05)	606
---	-----

Cleveland Municipal School District

Youth Taskforce and hotline — Council encourage to establish — Community Relations Board, Cleveland Municipal School District, Cleveland churches, and community leaders (R 664-05).....	607
--	-----

Codified Ordinances

Adult video arcades and adult live entertainment arcades — amend Sections 237.01, 237.02, 237.03, 237.04 (O 650-05)	599
Institutional-Research Districts — new Sections 340.01 to 340.07 — definitions — new Section 325.501, 325.471, and 325.570 (O 656-05)	602
Peddling of frozen desserts — amend Sec. 245.16 & Sec. 245.18 (O 673-05)	605

Communications

North Point Garage — Mayor's veto letter — Ord. No. 2-05 (F 2-05-A)	593
Ohio Department of Transportation — Cuyahoga County — City of Cleveland — Project No. 216(05) (F 667-05).....	594
State Park Parking Fees — Ohio Department of Natural Resources (F 666-05)	594
Waterloo Community Entertainment District — Ord. No. 294-05 — Public Hearing Notice — Call & Post Newspaper (F 294-05-B).....	594

Community Development

Battery Park Development Project — public road construction — appropriate property —
W. 74th & Goodwalt Ave. (R 233-05) 608

Burten, Bell, Carr Development, Inc. — Land Reutilization Program — scattered sites
(Ward 5) (O 2394-03)..... **617**

Clark Ave. — Land Reutilization Program — Stockyard Redevelopment Organization — amend
Ord. No. 182-05 (O 657-05)..... 606

Demolition and Board-up Programs — appropriation — Community Development Block Grant
funds (O 653-05) 601

E. 97th St. — Land Reutilization Program — Archie L. Bell III (O 180-05) 608

Home Builders Association of Greater Cleveland — Land Reutilization Program — scattered
sites (Ward 8) (O 423-05)..... **623**

Melrose Ave. — Land Reutilization Program — Joseph A. Rudolph (O 659-05) 604

Prospect Place Apartments — 1104 Prospect Ave. — rehabilitation — 1104 Prospect Avenue
Park And Lock, LLC (O 370-05)..... **622**

Quincy Park — Quincy Ave. & E. 83rd St. — construction — landscaping improvements —
Fairfax Renaissance Development Corp. (O 171-05)..... 608

Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland
Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05)..... 607

Wade Park — Outreach Ministries of Healing and Deliverance (O 660-05)..... 604

Community Development Block Grant Program

Demolition and Board-up Programs — appropriation — Community Development Block Grant
funds (O 653-05) 601

Community Relations Board

Youth Taskforce and hotline — Council encourage to establish — Community Relations
Board, Cleveland Municipal School District, Cleveland churches, and community
leaders (R 664-05)..... 607

Condolences

Chambers, Michael William (R 676-05)..... 594

Gonsalves, Joaquin (R 677-05)..... 594

Latezea, Tom (R 679-05)..... 594

Means, Margaret (R 678-05)..... 594

Stephens, Doris Lee (R 675-05)..... 594

Contracts

ADT Security Services, Inc. — amend City Contract No. 60859 — City Council’s security
system (O 661-05) 606

Elwell-Parker Industrial Park, LLC — economic development assistance — 4205 St. Clair
Ave. — property improvements (O 654-05) 602

Mister Twister, LLC — economic development assistance — 4700 Lakeside Ave. — property
improvement (O 655-05)..... 602

North Point Garage — Contract No. 38823 — amendment (O 2-05)..... **620-V**

North Point Garage — Mayor’s veto letter — Ord. No. 2-05 (F 2-05-A) 593

Omni Media Cleveland, Inc. — Contract No. 55936 — amendment — City Planning Commission
(O 6-04) **620**

Prospect Place Apartments — 1104 Prospect Ave. — rehabilitation — 1104 Prospect Avenue
Park And Lock, LLC (O 370-05)..... **622**

Convention Center

Escalator safety brushes — install (O 652-05)..... 601

Economic Development Department

Elwell-Parker Industrial Park, LLC — economic development assistance — 4205 St. Clair
Ave. — property improvements (O 654-05) 602

Fairfax Renaissance Development Corporation — East 83rd Street Affordable Apartments
Project — Ward 6 NEF (O 663-05) 607

Lakeview Square I, Ltd. — development assistance — acquisition — 11905 Superior Avenue
(O 476-05) **624**

Mister Twister, LLC — economic development assistance — 4700 Lakeside Ave. — property
improvement (O 655-05)..... 602

Finance Department

Akoura Biometrics — gift — fingerprint protection system (O 631-05)..... 594

Budget requirements — professional consultants (O 642-05)..... 597

building materials — used paving bricks — purchase — various divisions (O 545-05)..... 608

Dry cell batteries — purchase — various divisions (O 633-05) 595

Electronic protection services — purchase — various divisions (O 634-05) 595

Exterminating services — purchase — various divisions (O 546-05) 608

Fire extinguishers — refill, repair and replace — various divisions (O 639-05)	596
First aid supplies — purchase — various divisions (O 635-05)	595
Funds — reallocate — Housing Division — Clerks Division — Judicial Branch — Ord. No. 125-05 (O 544-05)	625
Hand tools and hand-held power tools — purchase (O 636-05).....	595
High-speed bandwidth of internet access — City facilities and various community centers — full integration services — consultants (O 658-05).....	603
Keys, locks, and hardware — purchase — various divisions (O 547-05).....	608
Landscape materials — purchase — various divisions (O 637-05).....	596
North Point Garage — Contract No. 38823 — amendment (O 2-05).....	620-V
North Point Garage — Mayor's veto letter — Ord. No. 2-05 (F 2-05-A)	593
Overhead doors — maintain and repair — various divisions (O 552-05).....	608
Procurement process — feasibility study — professional consultants (O 632-05).....	594
Ready mix concrete — purchase — various divisions (O 550-05)	608
Richfield, Village of — tax-sharing agreement — Joint Economic Development District — exchange for extension of water service (O 412-05)	622
Steel plates — miscellaneous-sized — purchase — various divisions (O 640-05)	597
Towel and linen service — purchase — various divisions (O 641-05)	597
Typewrites — maintain — various divisions (O 638-05).....	596
Funds	
Funds — reallocate — Housing Division — Clerks Division — Judicial Branch — Ord. No. 125-05 (O 544-05)	625
Gifts	
Akoura Biometrics — fingerprint protection system (O 631-05).....	594
Grants	
FEMA Assistance to Firefighters Grant, 2004 — U. S. Office of Domestic Preparedness (O 674-05)	606
Health Department	
Peddling of frozen desserts — amend Sec. 245.16 & Sec. 245.18 (O 673-05)	605
Information System Services Division	
High-speed bandwidth of internet access — City facilities and various community centers — full integration services — consultants (O 658-05).....	603
Justice Center	
Test tees on the sanitary sewer — repair (O 472-05).....	608
Land Reutilization Program	
Burten, Bell, Carr Development, Inc. — scattered sites (Ward 5) (O 2394-03)	617
Clark Ave. — Stockyard Redevelopment Organization — amend Ord. No. 182-05 (O 657-05).....	606
E. 97th St. — Archie L. Bell III (O 180-05)	608
Home Builders Association of Greater Cleveland — scattered sites (Ward 8) (O 423-05).....	623
Melrose Ave. — Joseph A. Rudolph (O 659-05)	604
Wade Park — Outreach Ministries of Healing and Deliverance (O 660-05).....	604
Liquor Permits	
Brookpark Rd., 2402 — new (Ward 16) (F 670-05)	594
E. 125th St., 780-86 — objection — withdraw (Ward 9) (R 598-05).....	616
Forest Ave., 11201 — new (Ward 4) (F 668-05)	594
Lorain Ave., 13999 — objection — withdraw (Ward 20) (R 601-05)	616
Old River Rd., 1009-17 — transfer (Ward 13) (F 671-05)	594
Old River Rd., 1045 (Hallway Lobby) — Front Ave., 1071 — transfer (Ward 13) (F 672-05)	594
Parkwood Dr., 974 — objection (Ward 8) (R 599-05)	616
Puritas Ave., 15649 — objection — withdraw (Ward 20) (R 600-05)	616
Quincy Ave., 8502 — objection — withdraw (Ward 6) (R 596-05)	615
St. Clair Ave., 12730 — objection (Ward 10) (R 597-05).....	615
W. 73rd St. — new (Ward 17) (F 669-05)	594
Waterloo Rd., 15222 — objection — withdraw (Ward 11) (R 665-05).....	607
Mayor's Appointments	
Taylor, Hilary — new appointment — Fair Campaign Finance Commission — approved (F 498-05-A).....	594
Neighborhood Equity Funds	
Fairfax Renaissance Development Corporation — East 83rd Street Affordable Apartments Project — Ward 6 (O 663-05)	607
Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 (O 662-05).....	607

Ohio Department of Natural Resources

State Park Parking Fees (F 666-05)..... 594

Parks, Recreation and Properties Department

Brecksville, City of — sell City-owned property — Oakes Rd. & Metro Parks Blvd. (O 651-05)..... 601
 E. 152nd St., 1050 — appropriate property — all-weather track and football-field complex (O 555-05)..... 608
 Escalator safety brushes — install — Convention Center (O 652-05)..... 601
 Quincy Park — Quincy Ave. & E. 83rd St. — construction — landscaping improvements — Fairfax Renaissance Development Corp. (O 171-05)..... 608
 Test tees on the sanitary sewer — repair — Justice Center (O 472-05)..... 608

Peddlers

Peddling of frozen desserts — amend Sec. 245.16 & Sec. 245.18 (O 673-05) 605

Permits

Cleveland Browns Touchdown Run — Hermes Sports & Event (O 594-05) **626**
 Run This Way 5K — Hermes Sports and Events (O 593-05) **626**

Playgrounds

E. 113th St. & St. Clair Ave. — playground — name — “James O’Neal Johnson Family Playground” (O 14-05) **621**

Purchases and Supplies Division

Brecksville, City of — sell City-owned property — Oakes Rd. & Metro Parks Blvd. (O 651-05)..... 601

Recognition

Balraj, Dr. Elizabeth (R 681-05)..... 594
 Klaiber, Robert (R 682-05)..... 594
 Rokakis, James (R 680-05)..... 594

Resolutions — Miscellaneous

Youth Taskforce and hotline — Council encourage to establish — Community Relations Board, Cleveland Municipal School District, Cleveland churches, and community leaders (R 664-05)..... 607

Safety Department

FEMA Assistance to Firefighters Grant, 2004 — grant — U. S. Office of Domestic Preparedness (O 674-05) 606

Service Department

Cleveland Browns Touchdown Run — permit — Hermes Sports & Event (O 594-05)..... **626**
 E. 113th St. & St. Clair Ave. — playground — name — “James O’Neal Johnson Family Playground” (O 14-05) **621**
 Run This Way 5K — permit — Hermes Sports and Events (O 593-05) **626**

Sewers

East 123rd area sewer system — rehabilitating and replacing (O 646-05)..... 598
 East 94th area sewer system — between Ansel and Crawford — public improvement (O 645-05)..... 598
 Throckley Avenue area sewer system — from Lee Rd. to E. 177th St. — public improvement (O 647-05) 598
 West 130th area sewer system — public improvement (O 648-05)..... 599
 West 162nd area sewer system — public improvement (O 649-05) 599

State of Ohio

Generators (2) — replace — agreement between the City and the State of Ohio (O 270-05) **621**

Sworned Statements

Waterloo Community Entertainment District — Ord. No. 294-05 — Public Hearing Notice — Call & Post Newspaper (F 294-05-B)..... 594

Tremont West Development Corporation

Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05) 607

Utilities Department

Consumer confidence reports 2004 — 2005 — professional consultants — Division of Water (O 355-05)..... **621**
 East 123rd area sewer system — rehabilitating and replacing (O 646-05)..... 598
 East 94th area sewer system — between Ansel and Crawford — public improvement (O 645-05)..... 598
 Generators (2) — replace — agreement between the City and the State of Ohio (O 270-05) **621**
 Richfield, Village of — tax-sharing agreement — Joint Economic Development District —
 exchange for extension of water service (O 412-05) **622**
 Sewer and catch basin cleaners — repair and maintain — Division of Water Pollution
 Control (O 643-05)..... 597
 T.V. inspection trucks — hardware and software upgrades — Division of Water Pollution
 Control (O 271-05)..... **621**
 Throckley Avenue area sewer system — from Lee Rd. to E. 177th St. — public improvement (O 647-05)..... 598
 Utilities Department — Annual reports 2004 & 2005 — customer public information
 — promotional materials — professional consultants — various divisions (O 354-05) **621**
 Vac-all trucks — repair and maintain — Division of Water Pollution Control (O 644-05) 598
 West 130th area sewer system — public improvement (O 648-05)..... 599
 West 162nd area sewer system — public improvement (O 649-05) 599

Vetos

North Point Garage — Contract No. 38823 — amendment (O 2-05)..... **620-V**
 North Point Garage — Mayor's veto letter — Ord. No. 2-05 (F 2-05-A) 593

Ward 01

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Throckley Avenue area sewer system — from Lee Rd. to E. 177th St. — public improvement
 (O 647-05) 598

Ward 02

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 Latezea, Tom — condolence (R 679-05) 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594

Ward 03

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Means, Margaret — condolence (R 678-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594

Ward 04

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594

Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Forest Ave., 11201 — new — liquor permit (Ward 4) (F 668-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594

Ward 05

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Balraj, Dr. Elizabeth — recognition (R 681-05)..... 594
 Burten, Bell, Carr Development, Inc. — Land Reutilization Program — scattered sites
 (O 2394-03) **617**
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Hooks, Benjamin L. — welcome (R 694-05) 594
 Johnson, Marjorie Witt — appreciation (R 683-05)..... 594
 Klaiber, Robert — recognition (R 682-05)..... 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Rokakis, James — recognition (R 680-05)..... 594

Ward 06

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Balraj, Dr. Elizabeth — recognition (R 681-05)..... 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Fairfax Renaissance Development Corporation — East 83rd Street Affordable Apartments
 Project — NEF (O 663-05) 607
 Klaiber, Robert — recognition (R 682-05)..... 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Quincy Ave., 8502 — objection — withdraw — liquor permit (R 596-05) **615**
 Quincy Park — Quincy Ave. & E. 83rd St. — construction — landscaping improvements —
 Fairfax Renaissance Development Corp. (O 171-05)..... 608
 Rokakis, James — recognition (R 680-05)..... 594
 Run This Way 5K — permit — Hermes Sports and Events (O 593-05) **626**

Ward 07

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 E. 97th St. — Land Reutilization Program — Archie L. Bell III (O 180-05) 608
 East 94th area sewer system — between Ansel and Crawford — public improvement (O 645-05)..... 598
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Melrose Ave. — Land Reutilization Program — Joseph A. Rudolph (O 659-05)..... 604
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Stephens, Doris Lee — condolence (R 675-05) 594
 Wade Park — Outreach Ministries of Healing and Deliverance (O 660-05)..... 604

Ward 08

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Home Builders Association of Greater Cleveland — Land Reutilization Program — scattered
 sites (O 423-05) **623**

Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Parkwood Dr., 974 — objection — liquor permit (R 599-05)	616
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594

Ward 09

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
E. 113th St. & St. Clair Ave. — playground — name — “James O’Neal Johnson Family Playground” (O 14-05)	621
E. 125th St., 780-86 — objection — withdraw — liquor permit (R 598-05)	616
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Gonsalves, Joaquin — condolence (R 677-05).....	594
Lakeview Square I, Ltd. — development assistance — acquisition — 11905 Superior Avenue (O 476-05)	624
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594

Ward 10

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
E. 152nd St., 1050 — appropriate property — all-weather track and football-field complex (O 555-05).....	608
East 123rd area sewer system — rehabilitating and replacing (O 646-05).....	598
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594
St. Clair Ave., 12730 — objection — liquor permit (R 597-05)	615

Ward 11

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
E. 152nd St., 1050 — appropriate property — all-weather track and football-field complex (O 555-05).....	608
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594
Waterloo Community Entertainment District — Ord. No. 294-05 — Public Hearing Notice — Call & Post Newspaper (F 294-05-B).....	594
Waterloo Rd., 15222 — objection — withdraw — liquor permit (R 665-05)	607

Ward 12

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594

Ward 13

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Browns Touchdown Run — permit — Hermes Sports & Event (O 594-05).....	626
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594

Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Elwell-Parker Industrial Park, LLC — economic development assistance — 4205 St. Clair Ave. — property improvements (O 654-05) 602
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Mister Twister, LLC — economic development assistance — 4700 Lakeside Ave. — property improvement (O 655-05)..... 602
 North Point Garage — Contract No. 38823 — amendment (O 2-05)..... **620-V**
 North Point Garage — Mayor’s veto letter — Ord. No. 2-05 (F 2-05-A) 593
 Old River Rd., 1009-17 — transfer — liquor permit (Ward 13) (F 671-05)..... 594
 Old River Rd., 1045 (Hallway Lobby) — Front Ave., 1071 — transfer — liquor permit (F 672-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Prospect Place Apartments — 1104 Prospect Ave. — rehabilitation — 1104 Prospect Avenue Park And Lock, LLC (O 370-05)..... **622**
 Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05)..... 607

Ward 14

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05)..... 607

Ward 15

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05)..... 607

Ward 16

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Brookpark Rd., 2402 — new — liquor permit (Ward 16) (F 670-05) 594
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594

Ward 17

Baeppler, Fire Fighter Chris — appreciation (R 689-05) 594
 Battery Park Development Project — public road construction — appropriate property — W. 74th & Goodwalt Ave. (R 233-05) 608
 Butler, Fire Fighter Mark — appreciation (R 690-05)..... 594
 Clark Ave. — Land Reutilization Program — Stockyard Redevelopment Organization — amend Ord. No. 182-05 (O 657-05)..... 606
 Cleveland Fire Station #41 — appreciation (R 684-05)..... 594
 Collins, Assistant Chief Brent — appreciation (R 685-05) 594
 Daley, Lt. Mike — appreciation (R 687-05)..... 594
 Ehrett, Fire Fighter Mark — appreciation (R 691-05) 594
 Lally, Lt. Tom — appreciation (R 688-05)..... 594
 McNamara, Battalion Chief Tim — appreciation (R 686-05) 594
 Mikes, Fire Fighter Al — appreciation (R 692-05)..... 594
 Perrin, Fire Fighter Jamal — appreciation (R 693-05)..... 594
 W. 73rd St. — new — liquor permit (F 669-05)..... 594

Ward 18

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594

Ward 19

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594
Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05).....	607
West 130th area sewer system — public improvement (O 648-05).....	599

Ward 20

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
Lorain Ave., 13999 — objection — withdraw — liquor permit (R 601-05).....	616
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594
Puritas Ave., 15649 — objection — withdraw — liquor permit (R 600-05).....	616
Tremont West Development Corporation — Westside Leadership Collaborative of Cleveland Program — Ward 13, 14, 15, 19, 20 NEF (O 662-05).....	607

Ward 21

Baeppler, Fire Fighter Chris — appreciation (R 689-05)	594
Butler, Fire Fighter Mark — appreciation (R 690-05).....	594
Chambers, Michael William — condolence (R 676-05).....	594
Cleveland Fire Station #41 — appreciation (R 684-05).....	594
Collins, Assistant Chief Brent — appreciation (R 685-05)	594
Daley, Lt. Mike — appreciation (R 687-05).....	594
Ehrett, Fire Fighter Mark — appreciation (R 691-05)	594
Lally, Lt. Tom — appreciation (R 688-05).....	594
McNamara, Battalion Chief Tim — appreciation (R 686-05)	594
Mikes, Fire Fighter Al — appreciation (R 692-05).....	594
Perrin, Fire Fighter Jamal — appreciation (R 693-05).....	594
West 162nd area sewer system — public improvement (O 649-05)	599

Water Division

Consumer confidence reports 2004 — 2005 — professional consultants (O 355-05)	621
Richfield, Village of — tax-sharing agreement — Joint Economic Development District — exchange for extension of water service (O 412-05)	622

Water Pollution Control Division

Sewer and catch basin cleaners — repair and maintain (O 643-05).....	597
T.V. inspection trucks — hardware and software upgrades (O 271-05).....	621
Vac-all trucks — repair and maintain (O 644-05).....	598

Welcome

Hooks, Benjamin L. (R 694-05).....	594
------------------------------------	-----