

The City Record

Official Publication of the Council of the City of Cleveland



October the Twentieth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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

MAYOR – Jane L. Campbell

Debra M. Janik, Chief of Staff
Darnell Brown, Chief Operating Officer
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Galen L. Schuerlein, Executive Assistant
_____, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, 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 – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – 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 Bahur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

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

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

DIVISIONS: Air Quality – _____, Commissioner
Corrections – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – 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 – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

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

DEPT. OF COMMUNITY DEVELOPMENT – 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, Christopher Carmody, _____, Secretary.

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President;

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

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

Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities

Director _____; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director;

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

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

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

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

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

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

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Subodh Chandra; Chairman; Finance

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande,

Vince Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary Eileen Kilbane	14C
Judge Anita Laster Mays	12C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	12A
Judge Robert J. 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. 91

WEDNESDAY, OCTOBER 20, 2004

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CITY COUNCIL

MONDAY, OCTOBER 18, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Coats, Gordon, O'Malley, Reed, 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, October 18, 2004

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

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

Also present were Mayor Campbell, Chief Operating Officer Brown, Chief of Staff Janik, Directors Chandra, Baker, Mok, Ricchiuto, Carroll, Watson, N. Ronayne, Rush, Huth, Fumich, Taylor, Johnson, and Margaret Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Minister Arthur Smith of Mt. Sinai Church, located at 3737 E. Antisdale, South Euclid, Ohio. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1041-04-A.

Sworn Statement of official publication of advertisement as stated in Resolution No. 1041-04. Received.

File No. 2027-04.

From the Office of Equal Opportunity, Denials of Certification — Third Quarter, 2004. Received.

File No. 2028-04.

From the Office of Equal Opportunity — MBE/FBE Deletions from OEO's database, Third Quarter, 2004. Received.

File No. 2029-04.

From the Living Wage Coordinator re: Written Notification Requirements, Schindler Elevator Corp. Received.

File No. 2030-04.

From the Living Wage Coordinator re: Written Notification Requirements, Granger Trucking, Inc. Received.

File No. 2031-04.

From the Living Wage Coordinator — re: written Notification Requirements, Tenable Protective Services. Received.

File No. 2032-04.

From the Living Wage Coordinator — re: Written Notification Requirements, Gardiner Service Company. Received.

File No. 2033-04.

From the Living Wage Coordinator re: Written Notification Requirements, Perfecturf. Received.

File No. 2034-04.

From the Living Wage Coordinator re: Written Notification Requirements, Aaron Landscaping. Received.

File No. 2035-04.

From the Living Wage Coordinator re: Written Notification Requirements, Snider Blake. Received.

File No. 2036-04.

From the Living Wage Coordinator re: Written Notification Requirements — Sutton Builders, Inc., Consolidated Graphics, Phoenix Steel Service, Inc., Recovery Resources,

Heidtman Steel Products, Inc., Mt. Pleasant NOW Development Corp., Loftworks, LLC, Pumps and Equipment Sales, William Rosby. Received.

File No. 2037-04.

From the City of South Euclid — copy of Resolution regarding opposition to the Draft Health Care Preservation Plan proposed by OPERS. Received.

File No. 2038-04.

From the City of Cambridge, Massachusetts — Honoring the soldiers killed in Iraq. Received.

File No. 2039-04.

From the Office of Equal Opportunity — Certified MBEs and FBEs, Reporting Period: Third Quarter, 2004. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2040-04.

Re: Transfer of Ownership Application — 2714691 — Fidelity Sports, Inc., d.b.a. Fidelity Bar, 3349 West 117th Street, first floor. (Ward 19). Received.

File No. 2041-04.

Re: Transfer of Ownership and Location Application — 0300177 — Nader Assad, d.b.a. One Stop Market, 3744 East 144th Street. (Ward 3). Received.

File No. 2042-04.

Re: Transfer of Location Application — 99020560001 — Zetawi, Inc., d.b.a. Mt. Pleasant Beverage, 14101 1/2 Kinsman Road. (Ward 3). Received.

File No. 2043-04.

Re: Stock Transfer Application — 9623791 — William M. Thomas, Inc., 4677 West 130th Street, S/nd. (Ward 20). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2044-04—Frances Olszewski.

Res. No. 2045-04—Phinida Eberhardt.

Res. No. 2046-04—William Candy.

CONGRATULATION RESOLUTIONS

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

Res. No. 2047-04—William T. Boyd Lodge #79.

Res. No. 2048-04 — Dr. James Walls, Jr.

Res. No. 2049-04 — District Elder Gregory Alexander Pratt.

RECOGNITION RESOLUTION

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

Res. No. 2050-04 — Netherlands Atlantic Association.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2005-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of office 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 a one or two year period of the necessary items of office supplies, 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. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118702)

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. 2006-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of microfiche and CD-Rom 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 or two year period of the necessary items of microfiche and CD-Rom 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. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104797)

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. 2007-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of standard wire, 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 or two year period of the necessary items of standard wire, 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. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104796)

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. 2008-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of lumber, 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 or two year period of the necessary items of lumber, 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 Sup-

plies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118701)

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. 2009-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of landscaping and snow removal service at various locations, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of 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 two year period of the necessary items of labor and materials necessary to provide landscaping and snow removal service at various locations within the Division of Cleveland Public Power, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director

of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153224)

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. 2010-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform an operating business assessment and a future business strategy plan, for the Division of Cleveland Public Power.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform an operating business assessment and a future business strategy plan, for the Division of Cleveland Public Power.

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. 58 SF 001, Request No. 153230.

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. 2011-04.
By Council Members Britt, Conwell, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to perform design engineering services for the Cornell Road Bridge.

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

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

Section 1. That the Director of Public Service 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 design engineering services for the Cornell Road Bridge over CSX, N & S and RTA.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, and 20 SF 500, Request No. 149312.

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

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

Ord. No. 2012-04.
By Council Members Cimperman, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Carter Manor Apartments, L.P. to provide assistance to partially finance the rehabilitation and renovation of the Carter Manor Apartments located at 1012 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 Carter Manor Apartments, L.P. to provide assistance to partially finance the rehabilitation and renovation of the Carter Manor Apartments located at 1012 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. 2012-04-A.

Section 3. That the costs of the contract shall not exceed Seven Hundred and Two Thousand Sixty-Two Dollars (\$702,062), and shall be paid from Fund No. 10 SF 545, which funds are appropriated for this purpose, Request No. 125781.

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 authorized by this ordinance shall be prepared by the Director of Law and shall contain any additional terms and conditions that the Director of Law and the Director of Community Development deem necessary and appropriate to protect and benefit the public interest.

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, City Planning, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 2013-04.
By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with the Cleveland Housing Network to provide write-down grants for houses purchased from HUD through an Asset Control Area Agreement.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with the Cleveland Housing Network ("CHN") to provide write-down grant assistance for the acquisition of single-family houses within the City of Cleveland that are being purchased by CHN from the U.S. Department of Housing and Urban Development ("HUD") under an Asset Control Area Agreement. All houses receiving acquisition write-downs will be rehabilitated and sold to low income, first time homebuyers.

Section 2. That the costs of the contract shall not exceed Five Hundred Thousand Dollars (\$500,000), and shall be paid from Fund No. 13 SF 983, Request No. 125781.

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

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

Ord. No. 2014-04.
By Council Members Dolan, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance to appropriate property for the redevelopment of the blighted premises located at 16800 Lorain Avenue.

Whereas, the Council of the City of Cleveland, by Resolution No. 1816-04, adopted September 27, 2004, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of the elimination of blight and nuisance property; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

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

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

Section 1. That for the public purpose of the elimination of blight and nuisance property, and preventing the recurrence of blight in the neighborhood surrounding the blighted premises, the following described fee simple interests are appropriated:

Permanent Parcel Number 025-16-020
 16800 Lorain Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to-wit: and known as being part of Original Rockport Township Section No. 13, bounded and described as follows: Beginning in the Northwesterly line of Lorain Avenue at a point 460 feet North-easterly (measured along said Northwesterly line) from the Easterly line of land conveyed to Kate Schink by deed dated October 7, 1898, and recorded in Volume 692,

Page 493 of Cuyahoga County Records; thence Northeasterly along said Northwesterly line of Lorain Avenue 50 feet; thence Northwesterly on a line at right angles to said Northwesterly line of Lorain Avenue 120 feet; thence Southwesterly on a line parallel with said Northwesterly line of Lorain Avenue 50 feet; thence Southeasterly 120 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

Ord. No. 2015-04.

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contract amendments to extend the existing medical and group dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits for City of Cleveland employees.

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 Personnel and Human Resources is authorized to enter into one or more contract amendments with Medical Mutual of Ohio, Medical Health Insuring Corporation of Ohio, Kaiser Permanente, and QualChoice, Inc. for group medical insurance; Medical Mutual of Ohio for the provision of group dental insurance; Union Eye Care for group vision insurance; Metropolitan Life Insurance Company for term life insurance coverage; and AFSCME for group vision insurance to extend the term of the contracts until March 31, 2005, on the same terms and conditions as the previous contracts.

Section 2. That the Director of Personnel and Human Resources is authorized to enter into one or more contract amendments with Medical Mutual Services, LLC to provide administrative services for flexible spending accounts for medical reimbursement, dependent care, and premium pass through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, to extend the term of the contracts for a one year period, on the same

terms and conditions, entered into under the authority of Ordinance No. 440-03, passed March 17, 2003.

Section 3. Any change in price for the contract amendments authorized in Section 1 and Section 2 above shall be approved by the Board of Control.

Section 4. That the contract amendments shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest.

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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 2016-04.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1852-03, passed October 13, 2003, relating to continuing City-provided group health and life insurance coverage under the same terms and conditions currently in effect, to those City employees who are in the U.S. military reserve of the United States and who are now serving or may in the future be called to active military duty.

Whereas, under Ordinance No. 1852-03, passed October 13, 2003, this Council authorized that group health and life insurance benefits currently provided to all City employees under the Codified Ordinances and the City's collective bargaining agreements, shall remain in full force and effect for those City employees who are in the U.S. military reserve of the United States and who are now serving or may in the future serve as part of the active military forces of the United States to continue for the duration of the employees' active military services until December 16, 2004; and

Whereas, this Council wishes to extend the group health and life insurance benefits to those City employees for an additional year until December 16, 2005; 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 2 of Ordinance No. 1852-03, passed October 13, 2003, is amended to read as follows:

Section 2. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the group health and life insurance benefits currently provided to all City employees under the Codified Ordinances and the City's collective bargaining agreements, shall remain in full force and effect for those City employees otherwise eli-

gible for the benefits, who are in the reserve military forces of the United States and who are now serving or may in the future serve as part of the active military forces of the United States. The benefits shall continue for the duration of the employees' active military service, but in no event shall the benefits continue beyond one year from December 16, 2004.

Section 2. That Section 2 of Ordinance No. 1852-03, passed October 13, 2003, is repealed.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 2017-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with IntelliNet Enterprise Management Services Corporation to provide economic development assistance to partially finance relocation costs, leasehold improvements, and soft costs associated with their relocation to 1255 Euclid Avenue in the City of Cleveland.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with IntelliNet Enterprise Management Services Corporation to provide economic development assistance to partially finance relocation costs, leasehold improvements, and soft costs associated with their relocation to 1255 Euclid Avenue in the City of Cleveland from Richmond Heights, Ohio.

Section 2. That the costs of the grant shall not exceed an amount of \$71,500 and shall be paid from Fund No. 17 SF 008, Request No. 103630.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

Ord. No. 2022-04.**By Council Member Brady.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Bellaire Road to Frank Torres.

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). 019-21-035, as more fully described below, to Frank Torres.

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

P. P. No. 019-21-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 240 in Joseph Schrimshaw's proposed Allotment of part of Original Rockport Township Section No. 10, and being 40 feet front on the Northwesterly side of Bellaire Road, S.E. and extending back of equal width 128 feet deep on the Northeasterly line, 120.02 and 11 feet deep on the Southwesterly and Westerly line, which is also Northeasterly line of West 129th Street (40 feet wide) 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.

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 2018-04.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of park and recreational purposes, located at 16300 Lakeshore Boulevard; and to repeal Resolution No. 2254-02, adopted December 16, 2002, relating to the property appropriation.

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

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

Section 1. That for the public purpose of park and recreational purposes, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at 16300 Lakeshore Boulevard:

Permanent Parcel No. 113-17-011
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning at a point in the Southerly line of Lake Shore Boulevard (80 feet wide distant North 70° 28' 05" East 1366.82 feet therein from its point of intersection with the Easterly line of East 156th Street (60 feet wide);

Thence continuing North 70° 28' 05" East 698.21 feet along said Southerly line of Lake Shore Boulevard to its point of intersection with the Easterly line of said Tract No. 16;

Thence South 0° 28' 45" West 374.62 feet along said Easterly line of Tract No. 16 to a point;

Thence South 70° 28' 05" West 569.88 feet to a point;

Thence North 19° 31' 55" West 352.00 feet to the place of beginning, according to a survey by Robert H. Krause, Sr. Registered Ohio Surveyor No. 2885, July 10, 1967, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause writ-

ten notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

Section 3. That Resolution No. 2254-02, adopted December 16, 2002, is repealed.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 2019-04.**By Council Member Britt.**

An emergency ordinance to amend Section 1 of Ordinance No. 1687-04, passed September 13, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with InterAct Cleveland for the InterAct Hunger Center program 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 Section 1 of Ordinance No. 1687-04, passed September 13, 2004 are hereby amended to reads as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with the **Interreligious Partners in Action of Greater Cleveland** for InterAct Hunger Center program in order to carry out the public purpose of providing meals to disadvantaged residents of the City of Cleveland through the use of Wards 6 Neighborhood Equity Funds

Section 2. That Section 1 of Ordinance No. 1687-04, passed September 13, 2004 is hereby repealed.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

Ord. No. 2023-04.
By Council Member Westbrook.
An emergency ordinance to amend the title and Section 1 of Ordinance No. 1304-04, passed October 11, 2004, relating to the sale of City-owned property at 11623 Lake Avenue and 1227 West 116th Street and authorizing an option to purchase agreement.

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. 1304-04, passed October 11, 2004, are amended to read as follows:

An Emergency Ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 11623 Lake Avenue and 1227 West 116th Street to Marous **Development LLC**; and authorizing the Directors of Economic Development and Parks, Recreation and Properties to enter into an Option to Purchase Agreement with Marous **Development LLC** for the redevelopment.

Section 1. That the Directors of Economic Development and Parks, Recreation, and Properties are authorized to enter into and execute an Option to Purchase Agreement ("Option") for an on behalf of the City of Cleveland with Marous **Development LLC** (the "Redeveloper") for the acquisition, disposition, and private redevelopment of the former Fifth Church of Christ property located at 11623 Lake Avenue and property at 1227 West 116th Street ("Property").

Section 2. That the title and Section 1 of Ordinance No. 1304-04, passed October 11, 2004, 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2020-04.
By Council Member Zone.
An emergency resolution expressing this Council's support of the plan by the Detroit Shoreway Community Development Organization to develop a neighborhood park at 5726 Bridge Avenue.

Whereas, Detroit Shoreway Community Development Organization is applying for a grant through the Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative; and

Whereas, this grant will provide environmental site assessment ser-

vices including Phase I and Phase II assessments; and

Whereas, this grant is being requested to assist with the redevelopment of 5726 Bridge Avenue; and

Whereas, the redevelopment plans for 5726 Bridge Avenue include the creation of a park for use by neighborhood residents; and

Whereas, this park would be developed in conjunction with Detroit Shoreway Community Development Organization's Bridge Avenue Phase III town home development; and

Whereas, the grant would provide services to determine the extent of any contamination on the site from the presence of old underground gasoline storage tanks; 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 this Council expresses its support of the plan by the Detroit Shoreway Community Development Organization to develop a neighborhood park at 5726 Bridge Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Director of the Detroit Shoreway Community Development Organization.

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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 2021-04.
By Council Member Zone.
An emergency resolution expressing this Council's support of the plan by the Detroit Shoreway Community Development Organization to develop residential housing at the MarshAllan factory site located at the intersection of West 85th Street and Madison Avenue.

Whereas, Detroit Shoreway Community Development Organization is applying for a grant through the Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative; and

Whereas, this grant will provide environmental site assessment services including Phase I and Phase II assessments; and

Whereas, this grant is being requested to assist with the redevelopment of the MarshAllan factory site at the intersection of West 85th Street and Madison Avenue; and

Whereas, the MarshAllan factory includes 4.4 acres of vacant and deteriorated buildings and vacant lots; and

Whereas, the property has been vacant since 1997 and represents an opportunity for residential development; and

Whereas, the grant would provide services to determine the extent of any environmental hazards at the site; and

Whereas, proposed plans call for the rehabilitation of two structures and the demolition of one structure to create a minimum of fifty (50) for-sale housing units; and

Whereas, Detroit Shoreway Community Development Organization plans to solicit proposals for redevelopment from private developers and form a partner in the redevelopment of the site; 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 this Council expresses its support of the plan by the Detroit Shoreway Community Development Organization to develop residential housing at the MarshAllan factory site located at the intersection of West 85th Street and Madison Avenue.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Director of the Detroit Shoreway Community Development Organization.

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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 2024-04.
By Council Member Johnson.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 2892 East 116th Street and repealing Resolution No. 1331-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 2892 East 116th Street by Resolution No. 1331-04 adopted by the Council on July 14, 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 the transfer of ownership of a C2 and C2X Liquor Permit to HNS Grocery, Inc., DBA Foodtown Supermarket, 2892 East 116th Street, Cleveland, Ohio 44120, Permanent Number 3471866 be and the same is hereby withdrawn and Resolution No. 1331-04, 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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 2025-04.

By Council Member Reed.

An emergency resolution withdrawing objections to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3695-97 East 131st Street and repealing Resolution Nos. 1680-02, 1348-03 and 1346-04, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street by Resolution No. 1680-02 adopted August 14, 2002, Resolution No. 1348-03 adopted July 16, 2003 and Resolution No. 1346-04 adopted July 14, 2004; and

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

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

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

Section 1. That objections to a D1, D2, D3 and D3A Liquor Permit to VCH, Inc., DBA Side by Side Bar & Deli, 3695-97 East 131st Street, Cleveland, Ohio 44120, Permanent Number 9179589 be and the same is hereby withdrawn and Resolution Nos. 1680-02, 1348-03 and 1346-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Res. No. 2026-04.

By Council Member Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit at 14016 Triskett Road.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Mr. Z's Beverage & Wine, Inc., DBA Mo Zie In Beverage, 14016 Triskett Road,

Cleveland, Ohio 44111, Permanent Number 6209845 to A & O Beverage, Inc., DBA Mo Zie In Beverage, 14016 Triskett Road, Cleveland, Ohio 44111, Permanent Number 0006233; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Mr. Z's Beverage & Wine, Inc., DBA Mo Zie In Beverage, 14016 Triskett Road, Cleveland, Ohio 44111, Permanent Number 6209845 to A & O Beverage, Inc., DBA Mo Zie In Beverage, 14016 Triskett Road, Cleveland, Ohio 44111, Permanent Number 0006233; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

Council Member Rybka entered the meeting.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 269-04.

By Council Member O'Malley.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4817 Biddulph Avenue to Ronald Ziegler.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 540-04.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1690-03, passed October 27, 2003, relating to a Lease Agreement with AirSports Aviation, LTD for the lease of office space at Burke Lakefront Airport; to supplement the ordinance by adding new sections 2 and 3; and to renumber existing sections 2 and 3 to new Sections 4 and 5.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 711-04.

By Council Members Zone, Reed, White and Jackson.

An emergency ordinance to amend Section 433.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 835-03, passed June 10, 2003, relating to reducing the concentration of alcohol necessary to convict a person of Driving While Under the Influence of Alcohol or Drugs.

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

1. In Section 1, at Section 433.01(g)(1)B.1., line 7, after "electronic monitoring", insert ", with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring"; and in lines 10 and 11, after "electronic monitoring" insert "or continuous alcohol monitoring or both types of monitoring".

2. In Section 1, at Section 433.01(g)(1)B.2., line 8, after "electronic monitoring", insert ", with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring"; and in lines 11 and 12, after "electronic monitoring" insert "or continuous alcohol monitoring or both types of monitoring".

3. In Section 1, at Section 433.01(g)(1)C.1., line 7, after "electronic monitoring, insert ", with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring".

4. In Section 1, at Section 433.01(g)(1)C.2., line 7, after "electronic monitoring, insert ", with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring".

5. In Section 1, at Section 433.01(g)(3), in lines 7 and 8, 11, 15, 25, and 32 after "electronic monitoring, insert in all places ", with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring"; and in lines 11 and 12, 19 and 20, 27 and 34 after "electronic monitoring" insert in all places "or continuous alcohol monitoring or both types of monitoring".

6. In Section 1, at Section 433.01(g)(4), in lines 4 and 5, strike "only if the court imposes as one of the conditions" and insert "in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition"; and at the end of the division, strike the period and insert ", the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Section 4503.231 of the Revised Code."

7. In Section 1, at Section 433.01(h)(1), line 1, strike "division (H)(2) and insert "division (h)(2)".

14. In Section 1, at Section 433.01(h)(2), line three, strike "equivalent offenses" and insert "equivalent offense".

8. In Section 1, after existing Section 433.01(h)(2) insert the following new division:

"(h)(3) If the offender also is convicted of or also pleads guilty to a specification of the type described in Section 2941.1414 of the Revised Code and if the court imposes a jail term for the violation of division (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of Section 2929.24 of the Revised Code, provided that the total length of jail time imposed under all provisions of Section 433.01 shall not exceed one (1) year."

9. In Section 1, at Section 433.01(k), line 1, strike "Sections" and insert "Section".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 1475-04.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design Phase II of the Centralized Deicing Facility Project at Cleveland Hopkins International Airport, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Avia-

tion and Transportation, Finance; when amended as follows:

1. Strike the title, and Sections 1 and 2 in their entirety and insert

"An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with R.W. Armstrong & Associates, Inc. for professional services necessary to design Phase II of the Centralized Deicing Facility.

Section 1. That the Director of Port Control is authorized to enter into one or more contracts with R.W. Armstrong & Associates, Inc. for professional services necessary to design Phase II of the Centralized Deicing Facility at Cleveland Hopkins International Airport, in a sum not to exceed \$3,500,000.00, for the Department of Port Control. The contracts or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, and from any funds or subfunds to which are credited any federal grants of federal PFC authorization, for the above project, and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the project, Request No. 146060."

2. Renumber existing Section 3 to new "Section 2".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 1476-04.

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

An emergency ordinance authorizing the Director of Port Control to lease certain property to the Federal Aviation Administration, for a term of five years, for the purpose of general office, operations, storage and generator space.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1477-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of asphalt, concrete, and tack coat, including labor and materials for delivery, spreading, and compacting runways and roadways, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

1. In the title, line 3, and in Section 1, line 4, after "asphalt" strike the comma.

2. In the title, lines 7 and 8, strike ", for a period not to exceed two years," and insert a period.

3. In Section 1, line 3, strike "for a two-year period" and insert "for a period of one or two years"; and at

the end of the section, add "The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 1478-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair elevators, escalators, and moving walkways for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

1. In the title, lines 6 and 7, strike ", for a period not to exceed two years," and insert a period.

2. In Section 1, line 3, strike "for a two-year period" and insert "for a period of one or two years"; and at the end of the section, add "The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

Ord. No. 1486-04.

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

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

Approved by Directors of Public Health, Finance, Law; Relieved of Committee on Health and Human Services; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1504-04.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1012-04, passed June 14, 2004, relating to appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs, and to enter into one or more contracts with various agencies to implement the programs.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1507-04.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Corning Avenue to Cleveland Housing Network, Inc.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1526-04.

By Council Member Zone.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for the purpose of constructing a public road in connection with the Battery Park development project at West 74th and Goodwalt Avenue for the Department of Community Development.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1676-04.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 76th Street to Paulette Bryant.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1771-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of furniture, fixtures, and equipment, for the Division of Archi-

ture, Department of Public Service.

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

1. In Section 1, at the end, add the following: "**The authorization granted by this ordinance is for the categories of furniture, fixtures, and equipment identified in File No. 1771-04-A only. Additional legislative authority shall be required if other categories of furniture, fixtures, or equipment are needed.**"

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

LAID ON THE TABLE**Ord. No. 1065-2000.**

By Council Members Robinson, Melena, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11216 Union Avenue to Christ Temple Missionary Baptist Church.

Ord. No. 1967-03.

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

An emergency ordinance authorizing the Director of Port Control to enter into a third amendment to the Lease By Way of Concession with Business Aircraft Center, Inc., formerly known as The Airplane Company Hangars, Inc., assignee of The Airplane Companies, Inc., City Contract No. 32625, for operation of a fixed base facility at Burke Lakefront Airport, to add certain premises to the real property leased, to adjust the minimum guaranteed rent charged; and to make leasehold improvements.

Ord. No. 1487-04.

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

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

Res. No. 544-02.

By Councilman Brady.

An emergency resolution requesting that the City's appointees to the RTA Board of Trustees incorporate card check/neutrality language into any agreement for its proposed Brookpark Road Rapid Station development and to require that all parties conform to the law with respect to any possible union organization.

Without objection, Ordinance No. 1065-2000, Ordinance No. 1967-03, Ordinance No. 1487-04, and Resolution No. 544-02, were relieved of fur-

ther consideration of all committees and laid on the table pursuant to Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 1065-2000, Ordinance No. 1967-03, Ordinance No. 1487-04 and Resolution No. 544-02 Laid on the Table.

MOTION

By Council Member Gordon, seconded by Council Member Conwell and unanimously carried, that the absence of Council Members Joe Cimperman, Michael A. Dolan and Sabra Pierce Scott be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:39 p.m. to meet on Monday, October 25, 2004 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

ORDINANCE**Ord. No. 1519-04.**

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

An ordinance authorizing the transfer of the franchise for the transmission and supply of steam and water for heating, cooling, and power purposes from Dominion Cleveland Thermal, Inc. to CT Acquisitions I Inc.

Whereas, the Charter of the City of Cleveland authorizes this Council by ordinance to grant a non-exclusive franchise to any person, firm, or corporation to construct, install, maintain, and operate a utility in, under, over, along, across, and upon any of the streets and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 2909-87, passed December 21, 1987, this Council granted Cleveland Thermal Energy Corporation, an Ohio Corporation and wholly-owned subsidiary of Catalyst Thermal Energy Corporation ("Catalyst"), a non-exclusive franchise to construct, install, maintain, and operate a system for the transmission and supply of steam and hot water in, under, over, along, across, and upon certain of the streets, public rights of way, and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 1595-89, passed June 19, 1989, this Council amended the franchise agreement authorized by Ordinance No. 2909-87, passed December 21, 1987, to authorize the supplying of

chilled water in addition to steam and hot water; and

Whereas, under Ordinance No. 1490-91, passed July 24, 1991, this Council approved the transfer of Cleveland Thermal Energy Corporation, and control of the franchise, from Catalyst, which was then known as United Thermal Corporation, to Mid-America Energy Resources, Inc., a wholly-owned subsidiary of IPALCO Enterprises, Inc. ("Mid-America"); and

Whereas, under Ordinance No. 2121-00, passed March 12, 2001, this Council authorized the transfer of the franchise from Mid-America to Dominion Cleveland Thermal, LLC, and its operating affiliates: Dominion Cleveland Thermal Generation, LLC, Dominion Cleveland Thermal Steam Distribution, LLC, and Dominion Cleveland Thermal Chilled Water Distribution, LLC (collectively, "Dominion Cleveland Thermal, Inc."); and

Whereas, Dominion Energy, Inc., the parent corporation of Dominion Cleveland Thermal, Inc., has entered into an agreement with CT Acquisitions I Inc., an Ohio corporation ("CT Acquisitions") to sell all the outstanding stock of Dominion Cleveland Thermal, Inc. to CT Acquisitions; and

Whereas, CT Acquisitions was formed by Ancora Management LLC, the investment manager of Charon Capital LLC, a private institutional investment company, for the purpose of acquiring the stock of Dominion Cleveland Thermal, Inc.; and

Whereas, upon the consummation of the stock purchase, CT Acquisitions will become the owner of the companies now comprising Dominion Cleveland Thermal, Inc.; and

Whereas, the stock sale and transfer of assets is a transfer of the franchise requiring the approval of this Council; and

Whereas, the Charter of the City of Cleveland and the terms of the franchise agreement allow this Council to authorize by ordinance an amendment and transfer of the franchise; and

Whereas, Dominion Cleveland Thermal, Inc. and Dominion Energy, Inc., as seller, and CT Acquisitions, as buyer, have requested this Council to approve the stock sale and transfer of assets described above; now, therefore,

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

Section 1. That under Chapter 35 of the Charter of the City of Cleveland and Section 6 of the franchise granted by Ordinance No. 2909-87, passed December 21, 1987, as amended by Ordinance No. 1595-89, passed June 19, 1989, Ordinance No. 1490-91, passed July 24, 1991, and Ordinance No. 2121-00, passed March 12, 2001 (collectively, the "Franchise Ordinances"), this Council approves the stock sale described above and the transfer of the franchise and the Steam System, as described in this ordinance, from Dominion Cleveland Thermal, Inc. to CT Acquisitions I Inc.

Section 2. That the franchise agreement granted to Dominion Cleveland Thermal, Inc. by the Franchise Ordinances described in Section 1 is amended, and the entire-

ty of the franchise agreement as contained in the Franchise Ordinances as amended by this ordinance is as follows:

Section 1. Grant of Franchise.

Under the Charter of the City of Cleveland ("City"), and subject to the terms and conditions set forth in this franchise, CT Acquisitions I Inc. ("Grantee"), is granted a non-exclusive franchise, until December 31, 2029, unless sooner terminated as provided in this franchise, to construct, install, maintain and operate a system for the transmission and supplying of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 1519-04-A and incorporated by reference and as expanded or extended within the boundaries of the City (the "Service Area") in, under, over, along, across and upon the streets and public grounds (including but not limited to the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the full and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits for steam and water lines, together with the right to maintain such pipes and conduits, for the purpose of transmitting steam and water for heating, cooling and power purposes ("Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary or appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each customer, except where otherwise defined by agreement between Grantee and a particular customer. The grant of this franchise does not establish priority or lack of priority for use of the streets and public grounds to Grantee over other present or future permit holders or franchisees, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth in this franchise, and shall be subject to all of the conditions of this franchise.

Section 1A. Transfer Fee.

Grantee shall pay to the City fifty thousand dollars (\$50,000.00) no later than **seventy-five (75)** days after the effective date of this ordinance. Failure to pay this amount in full by the date specified shall cause Grantee to be deemed to have rejected this franchise, and the rights and privileges granted shall cease and terminate, unless such period is extended by Council by ordinance passed for that purpose and before the expiration of the period of **seventy-five (75)** days. This amount, together with any payments or contributions made by

Dominion Cleveland Thermal, Inc. and not yet expended, shall be deposited in the City's general fund and expended only through legislation passed by City Council.

Section 1B. Payments.

Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended only through legislation passed by City Council:

2005	\$ 75,000
2006-2010	\$100,000 per year
2011-2015	\$125,000 per year
2016-2029	\$150,000 per year

Grantee shall discount the City of Cleveland's steam and chilled water bill monthly according to the following schedule, with a maximum discount to the City by Grantee of \$75,000 per year:

2004-2005	1% credit
2006-2010	2% credit
2011-2015	3% credit
2016-2029	4% credit

Section 2. Work on the Streets and Public Grounds.

The Grantee, in the construction, installation, maintenance, or operation of the Steam System, shall not endanger or unnecessarily interfere with the lives of persons, shall not unnecessarily interfere with any installations of the City or any public utility or other person serving the City or using the streets and public grounds of the City, and shall not unnecessarily interrupt or obstruct the use of any streets and public grounds and, in connection with any work, shall obtain any permits and approvals required by the regulations and ordinances of the City. Prior to performing any work which would affect or alter the City's water mains, sewage or drainage system or any other property of the City, Grantee shall provide written notice to the appropriate affected City agency or office. When any streets and public grounds are entered upon by the Grantee, or facilities removed by the Grantee, the Grantee shall at its cost restore the same to their original condition. Grantee shall clear all streets and public grounds of obstructions or anything that might constitute a nuisance or prevent such streets and public grounds from being open and in repair, if such obstruction or nuisance was caused by the Grantee or related to the operation of the Steam System. If the Grantee fails to complete such work within a reasonable period of time, the appropriate officer of the City may, in writing, notify the Grantee that the City will complete such work if not completed by the Grantee as soon as practicable as determined by the City after receipt of notice by Grantee. Any work not completed as determined by the City's officer may be completed by the City and the actual out-of-pocket cost of such work shall be charged to the Grantee. Upon the doing of such work, the City shall furnish the Grantee with itemized bills of the actual out-of-pocket cost of the work, and Grantee shall pay the bills within thirty (30) days after its receipt.

Section 3. Applicable Regulations.

The Grantee shall at all times be subject to the regulations imposed by the laws of the United States of

America, the laws of the State of Ohio and the Charter and ordinances of the City as may exist at the effective date of this franchise or later be adopted, including the continuing right of the Council to require such reconstruction, relocation, repair, change or discontinuance of the appliances used by the Steam System in the streets and public grounds of the Service Area, all at the cost of the Grantee, as shall, in the opinion of the Council, be necessary in the public interest. The Council shall at all times control the distribution of space in, under, over, along, across or upon all streets and public grounds occupied by fixtures of the Steam System. In the construction, installation, maintenance or repair of its properties, the Grantee shall comply with all laws and regulations existing at the effective date of this franchise or that may thereafter be made by the City applicable to the Grantee and the Grantee shall be liable for damages caused by its failure or neglect to comply with such laws and regulations and shall save the City harmless from any and all claims for damages by reason of such failure or neglect.

Section 4. Indemnification and Insurance.

The Grantee shall fully indemnify and save harmless the City and its respective officers, agents and employees from and against all damages, judgments, decrees, costs, and expenses for bodily injury or death to persons, including employees of the City and other persons, for losses and physical damages to property of the City or other persons, and for debts incurred or taxes owed by Grantee or its agents, employees or contractors, caused by or as a result of the construction, installation, maintenance and operation of, or the failure to properly construct, install, maintain and operate, the Steam System by the Grantee. The Grantee shall carry insurance to cover and protect itself and the City as an additional insured from and against all claims, demands, actions, judgments, costs, expenses, and liabilities which may arise or result, directly or indirectly, from or by reason of loss, injury or damage to the City, its property or employees, or to other persons or their property, which may arise from the operations of Grantee or its Steam System. Grantee's insurance company shall, at its own expense, defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. The City shall duly notify the insurance company of any claims and shall deal directly with such insurance carrier to seek defense by such insurance company; provided, however, the City shall not be required to institute legal proceedings against such insurance company if the insurance company fails to defend. In the event Grantee's insurance company fails to defend the City, then Grantee, at its own expense, shall defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. Copies of the Grantee's currently effective insurance policy and its currently

effective certificate of insurance showing the City as an additional insured shall be maintained on file with the Clerk of Council of the City in the above mentioned file, with a copy provided to the Director of Law of the City, beginning with the **effective date of the franchise transfer. The amounts of such insurance against liability due to physical damages to property shall not be less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate; and against liability due to bodily injury or to death of persons not less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate. Grantee shall not reduce, cancel, or fail to promptly replace the insurance described herein, and should the insurer cancel such insurance the Grantee shall immediately notify the City. The City shall notify the Grantee and its insurance carrier in writing, within fifteen (15) business days after the presentation of any claim or demand, either by suit or otherwise, made against the City, or not less than five (5) business days prior to the date upon which an answer to such legal action is due, when the City determined that the suit, claim or demand may involve the Grantee or the operation of the Steam System.**

Section 5. Operation, Service and Rates of the Steam System.

A. Service Connections and Delivery of Steam Service. Grantee shall, so far as the capacity of its plant will allow, deliver steam or water to any person or entity requesting Steam Service who complies with its reasonable regulations and whose property abuts upon its service lines ("Customer"). At the point of delivery, the steam will be dry and saturated in accordance with the steam table established by American Society of Mechanical Engineers ("ASME"). The Grantee shall be responsible to maintain, at its expense, all mains and lines up to the property line of the Customer's facility, except where otherwise set forth in an agreement between Grantee and a particular Customer, and shall keep such lines in sound operating condition and free of undue leakage.

B. Abandonment of Services. In the event Grantee makes an application to the **Public Utilities Commission of Ohio ("PUCO")**, to abandon service to any part or all of its Service Area, Grantee shall send a copy of any such application to each of its then existing customers.

C. Existing Rates. All valid contracts or agreements establishing rates, charges or billing arrangements between Customers and Grantee (including but not limited to agreements combining billings for one or more premises owned or operated by a Customer) in effect as of the effective date of this ordinance, shall remain in effect until the expiration of the contract or agreement as set forth in such contract or agreement (or as may have been extended by PUCO order), except as may be allowed or required by any Court or arbitration panel, or as agreed by Customer and Grantee. All tariff and contract rates for Steam Service in effect as of the effective date of this ordinance, shall, except for fuel adjust-

ment clause increases and authorized by the PUCO or in accordance with Ohio law, remain in effect through **the term of the franchise.**

D. Rates and Charges. If the Grantee and any Customer cannot agree on a contract which sets rates for Steam Service to that Customer, the rates and charges for Steam Service rendered by Grantee for such Customer or Customers shall be set by the **PUCO**, by Council, or as otherwise may be provided by law. During the term of this franchise, Grantee shall, upon the request of the City or Council, provide such data and information as the City reasonably requires to review the rates, charges, terms and conditions of Steam Service provided by Grantee. Nothing contained in the subparagraph shall be deemed a waiver of the Grantee to appeal to or seek review of PUCO in connection with any rates.

E. Contract Rates. Grantee may enter into contracts for the provision of Steam Service to one or more of its Customers provided that the contracts are entered into under the requirements of the Revised Code or filed with the PUCO under the terms of Section 4905.31 of the Revised Code and provided that copies of all contracts for Steam Service are provided to the Clerk of Council of the City to be maintained in the Council file mentioned above, with copies provided to the Director of Law of the City.

F. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its Customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in the Steam System. Grantee shall also promptly repair any pavement, tree lawn, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the Customer if it is determined that the repairs were the responsibility of the Customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the particular property or the responsibility to ensure the health, safety or

welfare of the public in the particular situation to make any such repairs or improvements.

G. Minority Business Enterprise and Female Business Enterprise Participation and Affirmative Action. Grantee shall use its best efforts to meet the goals of the City in effect on the effective date of this ordinance with respect to minority enterprise participation and female business enterprise participation, i.e., thirty percent (30%) and ten percent (10%), respectively, in Grantee's proposed construction for the improvement and expansion of the Steam System; provided, that in evaluating Grantee's efforts to meet such goals, the City shall give consideration to the availability of certain specialty items of equipment for the Steam System that are not readily available from minority and female vendors.

Grantee shall adhere to the standards set forth in division (a) of Section 187.04 of the Codified Ordinances of the City, as presently in effect with respect to nondiscrimination in employment, and shall use its best efforts to improve the percentage of minority and female employment in the various occupations involved in the performance of the Grantee's business.

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council. **Additionally**, grantee shall not, without consent of Council, either directly or indirectly consolidate, merge or in any other way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may in the future operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating, cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue **providing adequate service as required herein. Notwithstanding the provisions of this Sections 6, the capital stock or all or substantially all of the assets and business of** Grantee may, without the prior approval of Council, be (i) transferred to any corporation or other entity which is affiliated with Grantee or Ancora Management LLC or (ii) consolidated or merged with, or the control of Grantee's management may be transferred to, any corporation or other entity which is affiliated with Grantee or Ancora Management LLC. For purposes of this section the term "affiliate" shall mean any person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 7. Right of Purchase by the City.

Under Section 183 of the Charter of the City of Cleveland, there is reserved to the City the right to terminate this franchise and to purchase all of the property of the Grantee in the streets and highways in the City and elsewhere used in or useful for the operation of the utility at a price to be fixed in the manner provided in the following sen-

tence. If the City and Grantee cannot agree on the price to be paid by the City for such property, the value shall be determined by three appraisers, one each selected by the City and Grantee, and the other selected by the two appraisers appointed. If the three appraisers cannot agree upon a value for such property, the average of the three separate appraisals of the appraisers shall be the value of such property. The standard to be used by the appraisers shall be the fair market value of such property as a going concern. Further, to the extent provided in Section 184 of the Charter of the City, the price to be paid by the City for the property that may be acquired by the City from the Grantee, by purchase, condemnation, or otherwise, shall exclude all **additional** value of the grant or renewal of this franchise.

Section 8. Renewal of Franchise.

Council may, by ordinance, renew the franchise at the expiration of this franchise upon terms conducive to the public interest.

Section 9. Non-Exclusivity of Franchise.

No rights herein granted to the Grantee to construct, maintain, install or operate the Steam System shall be construed as exclusive or as preventing the City from granting a franchise or privilege to any other person, firm or corporation.

Section 10. Acceptance of Franchise.

After the effective date of this ordinance and within **seventy-five (75)** after such date, this ordinance shall be accepted by the Grantee by, (a) both its filing with the Clerk of Council an unconditional written acceptance hereof, and (b) an affidavit of an officer of Grantee with supporting documentation evidencing that Dominion Cleveland Thermal, Inc. has transferred to CT Acquisitions I Inc. the franchise and the Steam System and all material rights, title, and interests necessary for the operation of the system to CT Acquisitions I Inc. and that Grantee has obtained PUCO approval for the transfer, which shall be included in File No. **1519-04-A**. The franchise granted to Dominion Cleveland Thermal, Inc. shall terminate upon such acceptance by the Grantee. A failure of the Grantee to accept this ordinance in the manner described above within such period of time shall be deemed a rejection of the franchise by the Grantee, and the rights and privileges granted shall, after the expiration of the period of **seventy-five (75)**, if not so accepted, absolutely cease and terminate, unless the period of time is extended by Council by ordinance passed for that purpose and before the expiration of the period of **seventy-five (75)**.

Section 11. Permits.

The Director of Public Service and other appropriate City officials are hereby authorized to issue such permits to the Grantee and any of its construction contractors or subcontractors for construction, installation and operation of the Steam System as may be required by law without further action of the Council. Permits shall be issued upon Grantee's compliance with the applicable procedures for obtaining permits and in accordance with the

requirements of law. Grantee shall comply with all existing City and State air pollution permits to operate which are applicable to the Steam System.

Section 12. PUCO.

Grantee shall provide to the City's Director of Law timely copies of all notices, filings, applications and all other documents submitted to the PUCO concerning or affecting the Steam System, including copies received by Grantee of any complaints or correspondence submitted to the PUCO concerning the Grantee or Steam System, but not including such documents which solely relate to any other Steam System. Grantee shall not object to or contest the right of the City to intervene in any proceeding initiated by Grantee, the PUCO or a third party concerning Grantee or the Steam System.

Section 13. Notices and Reports.

Grantee shall provide notice to a designated representative of each customer of any work by Grantee on the Steam System, or of any change in its operation, which could materially and adversely affect service to such Customer. Grantee shall also respond to any reasonable requests of a Customer for information, including available Steam System efficiency measurements and studies. In addition, Grantee shall provide a **copy of an audited balance sheet and a schedule of major capital improvements annually, at the end of each full fiscal year following the transfer of the franchise, to the Clerk of Council, for filing in the Council file mentioned above and shall provide copies of such submittals to the Director of Law of the City.**

Section 14. Revocation and Amendment.

The Council hereby reserves the right at any time to repeal for cause or to properly amend this ordinance or to revoke for cause the privileges granted in whole or in part.

Section 15. Default.

Grantee shall be in default of its franchise if Council finds, after providing notice and an opportunity to be heard, that Grantee has abandoned or discontinued Steam Service or has materially failed to comply with the terms of this franchise.

Upon Council determination of default by Grantee, the City may, at its option, exercise, concurrently or successively, any one or more of the following rights and remedies: to seek a court order to enjoin any abandonment or discontinuance of Steam Service or any failure to comply with the terms of this franchise; to bring suit or complaint at the PUCO or elsewhere for the performance of Grantee's obligation to provide Steam Service and to comply with the terms of this franchise; to terminate the franchise; or in the event of an actual or effective abandonment or discontinuance of Steam Service, to seek Court appointment of a receiver to continue operation of the Steam System until the Steam System can be sold or transferred to an entity approved by the City and Council. These rights and remedies are in addition to any other rights and remedies permitted to the City by the terms of this franchise or by law.

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

BOARD OF CONTROL

October 13, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 13, 2004, at 10:35 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Absent: Director Taylor.

Others: Mike Aboussal, Acting 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. 575-04.

By Director Baker.

Whereas, Board of Control Resolution No. 496-04, adopted September 8, 2004, authorizing the Director of Finance to enter into contract with Gene Ptacek & Son Fire Equipment, for an estimated quantity of labor and materials necessary to refill, repair and replace fire extinguishers, for various divisions of City government, Department of Finance; and

Whereas, Resolution No. 496-04 incorrectly identified the Requisition Nos.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 496-04, adopted September 8, 2004, approving the bid of Gene Ptacek & Son Fire Equipment as lowest and best for an estimated quantity of labor and materials necessary to refill, repair and replace fire extinguishers is amended by substituting "Requisition Nos. 146190, 120286, 130230, & 154615" for "Requisition Nos. 146190, 120286, 130230 & 154617", where appearing in the resolution.

Be it further resolved that all other terms of Resolution No. 496-04 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.

Absent: Director Taylor.

Resolution No. 576-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Fred L. Wiggins, d.b.a. Wiggins Interiors, for an estimated quantity of labor and materials to install carpeting, item nos. 1 thru 4, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 11th day of August 2004, under the authority of Ordinance No. 2025-02, passed November 18, 2002 on the

basis of the estimated quantity would amount to Thirty Nine Thousand Nine Hundred Forty and no/100 Dollars (\$39,940.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153132

which shall be certified against such contract in the sum of Thirty Three Thousand and no/100 Dollars (\$33,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.

Absent: Director Taylor.

Resolution No. 577-04.

By Director Ciaccia.

Whereas, Board of Control Resolution No. 441-04, adopted July 28, 2004, under authority of Ordinance No. 597-03, passed by the Cleveland City Council on July 16, 2003, approved DLZ Ohio, Inc. as the firm to be employed by contract to provide professional services necessary for the development of a feasibility study and master plan for renovation of the Division of Water Pollution Control building, for the Division of Water Pollution Control, Department of Public Utilities, for an aggregate fee of \$40,745.00, and approved Robert P. Madison Int'l., Inc. (MBE) and Interconnect Cabling Network (FBE) as sub-consultants; and

Whereas, Resolution No. 597-03 inadvertently excluded \$2,950.00 from the reimbursables amount and a 10% contingency, fee of \$4,369.50; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 441-04, passed on July 16, 2003, selecting DLZ Ohio, Inc. to provide professional services necessary for the development of a feasibility study and master plan for renovation of the Division of Water Pollution Control building for the Division of Water Pollution Control, Department of Public Utilities, is amended by increasing the amount of the aggregate fee to Forty-Eight Thousand Sixty-Four and 50/100 Dollars (\$48,064.50) and by revising the percentages of services to be performed by the approved sub-consultants from 18.38% to 15.58% for Robert P. Madison Intl., Inc. (MBE) and from 11.29% to 9.57% by Interconnect Cabling Network (FBE).

Be it further resolved that all other provisions of Resolution No. 441-04 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.

Absent: Director Taylor.

Resolution No. 578-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 507-04, adopted September 15, 2004, under the authority of Ordinance No. 2355-01, passed February 11, 2002, approving the bid of 3-D Service, Ltd. as lowest and best for an estimated quantity of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances (items 1.003, 1.004, 1.014-1.016, 1.018, 1.021, 1.023 and 6.000-6.004), for the Division of Water, Department of Public Utilities, is amended by deleting "Requisition no. 148095" and substituting "Requisition no. 148366".

Be it further resolved that all other provisions of said Resolution No. 507-04 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.

Absent: Director Taylor.

Resolution No. 579-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 508-04, adopted September 15, 2004, under the authority of Ordinance No. 2355-01, passed February 11, 2002, approving the bid of Rexel Midland as lowest and best for an estimated quantity of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances (items 2.001-2.056, 2.065-3.371), for the Division of Water, Department of Public Utilities, is amended by deleting "Requisition no. 148117" and substituting "Requisition no. 148367".

Be it further resolved that all other provisions of said Resolution No. 508-04 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.

Absent: Director Taylor.

Resolution No. 580-04.

By Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 509-04, adopted September 15, 2004, under the authority of Ordinance No. 2355-01, passed February 11, 2002, approving the bid of Professional

Electric Products Co. as lowest and best for an estimated quantity of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances (items 3.001-3.055), for the Division of Water, Department of Public Utilities, is amended by deleting "Requisition no. 148118" and substituting "Requisition no. 148368".

Be it further resolved that all other provisions of said Resolution No. 509-04 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 581-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 510-04, adopted September 15, 2004, under the authority of Ordinance No. 2355-01, passed February 11, 2002, approving the bid of Southern Electric Supply DBA Rexel Inc. as lowest and best for an estimated quantity of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances (items 4.001-4.009, 4.01, 4.011-4.019, 4.02, 4.021-4.048, and 7.000-7.004), for the Division of Water, Department of Public Utilities, is amended by deleting "Requisition No. 148022" and substituting "Requisition No. 148369".

Be it further resolved that all other provisions of said Resolution No. 510-04 not expressly amended shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 582-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2427-03, passed by the Council of the City of Cleveland on February 2, 2004, CH2M Hill, Inc. is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract for professional services to provide comprehensive financial plans including cost of service/rate & fee analysis, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with CH2M Hill, Inc. based upon its proposal dated June 4, 2004, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an

aggregate fee not in excess of \$1,075,863.65, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by CH2M Hill, Inc. for the above mentioned professional service is hereby approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE WORK</u>
New Concepts Consulting, Inc. (FBE)	5.25 % \$56,494.86
Dingus & Daga, Inc. (MBE)	5.99 % \$64,457.40
Tucker, Young, Jackson, Tull, Inc. (MBE)	8.93 % \$96,058.12
Steiner/Lesic Communications	3.42 % \$36,743.96
Burgess & Niple	.99 % \$10,608.50

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 583-04.

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. 109-12-143 located at Earle Avenue in Ward 8; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Octavious J. 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 Community Development, and the Mayor is here-

by requested to execute an Official Deed for and on behalf of the City of Cleveland, with Octavious J. Jones for the sale and development of Permanent Parcel No. 109-12-143 located at Earle Avenue, 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, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 584-04.

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. 109-12-001 located at East 105th Street in Ward 8; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Joaquin Gonsalves, Jr., Chico Zewalk and Edith Zewalk, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 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 purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Joaquin Gonsalves, Jr., Chico Zewalk and Edith Zewalk for the sale and development of Permanent Parcel No. 109-12-001 located at East 105th 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 \$1,000.00, 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, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 585-04.

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. 106-21-007, 106-21-124, 109-21-099, 110-15-165, 110-30-003, 120-05-041, 120-05-042 and 120-13-069, located at Addison and Lakeview Roads; Ada and Woodside Avenues; East 114th and 125th Streets under said Land Reutilization Program; and

Whereas, Ordinance No. 1789-04 passed October 4, 2004, 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, Hough Homes, L.P. 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. 1789-04 passed October 4, 2004, 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 Hough Homes, L.P. for the sale and development of Permanent Parcel Nos. 106-21-007, 106-21-124, 109-21-099, 110-15-165, 110-30-003, 120-05-041, 120-05-042 and 120-13-069, 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, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 586-04.

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. 108-15-098, 108-16-011, 109-19-090, 109-19-091, 109-19-128, 109-20-011, 109-20-025, 108-04-002, 108-04-003, 108-06-001, 108-06-004, 108-06-006, 108-06-007, 108-06-010, 108-06-011, 108-06-048, 108-06-064, 108-08-010, 108-

08-011, 108-08-112, 109-18-117, 109-20-056, and 109-13-121, located on scattered sites under said Land Reutilization Program; and

Whereas, Ordinance No. 1775-04 passed October 4, 2004, 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, Glenville Homes, III L.P. 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. 1775-04 passed October 4, 2004, 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 Glenville Homes, III L.P. for the sale and development of Permanent Parcel Nos. 108-15-098, 108-16-011, 109-19-090, 109-19-091, 109-19-128, 109-20-011, 109-20-025, 108-04-002, 108-04-003, 108-06-001, 108-06-004, 108-06-006, 108-06-007, 108-06-010, 108-06-011, 108-06-048, 108-06-064, 108-08-010, 108-08-011, 108-08-112, 109-18-117, 109-20-056, and 109-13-121, 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, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 587-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. J. Platten Contracting, for the public improvement of Lonnie Burten Park Site Improvements, for Base Bid Items B1-B6, B9-B28, B30-B37, B42-B47, B49, B52, B54-B58, B60, B63-B83, B85, B86, B88, B89, B94, B98, B99, B102, B105, B107, B108, B112-B116, Alternate Items 1B, 3B, 4B, 7B and Add Alternate Item AA1B including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on August 25, 2004, pursuant to the authority of Ordinance No. 1114-02 and Ordinance No. 2151-03, passed on June 17, 2002 and December 15, 2003, upon a unit basis for the improvement in the aggregate amount of Eight Hundred Ten Thousand Six and 75/100 Dollars (\$810,006.75), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of

the following subcontractors by R. J. Platten Contracting for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Carrick Landscaping	\$85,110.00 10.51%
Great Northern Fence	\$69,200.00 8.54%
Tech Ready Mix	\$59,250.00 7.31%
Premier Asphalt	\$34,300.00 4.23%
Lito Trucking (MBE)	\$24,257.40 2.99%

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

Resolution No. 588-04.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting, Ltd. for the public improvement of Duggan Park Site Improvements, for Base Bid Items A1-A33 including the 5% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on August 25, 2004, pursuant to the authority of Ordinance No. 1114-02 and Ordinance No. 2151-03, passed on June 17, 2002 and December 15, 2003, upon a unit basis for the improvement in the aggregate amount of Two Hundred One Thousand Three Hundred Thirty Four and 77/100 Dollars (\$201,334.77), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by F. Buddie Contracting, Ltd. for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT PERCENTAGE</u>
Carrick Landscaping	\$ 8,346.00 4.14%
Julian Supply (FBE)	\$ 240.00 0.12%
Collinwood Shale & Brick (FBE)	\$ 9,800.00 4.87%
Great Northern Fence	\$36,932.00 18.34%
Krusoe Sign	\$ 4,625.00 2.30%
Granger Trucking (MBE)	\$ 2,500.00 1.24%

Yeas: Mayor Campbell, Directors Chandra, Baker, Ciaccia, Acting Director Szabo, Directors Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Rush, Routen, Huth, Fumich and Acting Director Vilkas.

Nays: None.
Absent: Director Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 1, 2004

9:30 A.M.

Calendar No. 04-231: 16502 Chatfield Avenue (Ward 21)

Nandy and Meethradeo Budhar, owners, appeal to install approximately 45' of 58" high solid wooden fence along the northeast side street yard of a 55' x 141' corner lot located in a B1 Two-Family District on northeast corner of Chatfield Avenue and West 165th Street at 16502 Chatfield Avenue; the height and location of the fence are contrary to Section 358.03(a) of the Fence Regulations, where it is required that no portion of a fence located within 30' of the intersection of two street right-of-way lines shall exceed 2 1/2' in height, unless all portions of the fence above the 2 1/2' height are at least 75% open; and the same restrictions apply to any portion of a fence located along and parallel to a driveway within 15' of its intersection with a public sidewalk; and fences in the actual side street yards shall not exceed 4' in height and be at least 50% open

as stated in Section 358.03(a) of the Codified Ordinances.

Calendar No. 04-233: 5718 Bridge Avenue (Ward 17)

Norma Rodriguez, owner, appeals to expand the use of a two-story brick, mixed use building by adding a carryout restaurant to an existing store and one dwelling unit; all situated on a 36' x 84' lot in a Two-Family District on the north side of Bridge Avenue at 5718 Bridge Avenue; subject to the limitations of Section 337.03, a carryout restaurant is not permitted in a Two-Family District but first permitted in a Local Retail Business District under Section 343.01; and the expansion of the existing nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 04-235: 5360 Brookpark Road (Ward 16)

Sun Properties, owner c/o William Samstag, agent, appeal to change from a warehouse to a bingo hall, the use of an existing 100' x 100' one-story masonry building, situated on an acreage parcel that is located in split zoning for Semi-Industry and General Industry Districts on the north side of Brookpark Road at 5360 Brookpark Road; contrary to the provisions for required spacing as described in Specific Uses Regulated, the proposed change will be the fifth separate bingo/amusement use on the same parcel; and no amusement use may be established within 500' of another such use as stated in Section 347.12(a)(2) of the Codified Ordinances.

Calendar No. 04-237: 2926 Chester Avenue (Ward 13)

Albert M. Higley Company c/o Bruce Higley, owner, appeal to expand the lobby area of an existing one-story, masonry office building, situated on a corner acreage parcel in a General Retail Business District, at the southwest corner of Chester Avenue and East 30th Street at 2926 Chester Avenue; contrary to the Regulations for Yards and Courts, the proposed expansion that extends beyond the established 10' setback is not a permitted encroachment as stated in Section 357.13 of the Codified Ordinances.

Calendar No. 04-238: 7243 Kinsman Road (Ward 5)

St. Teresa Holiness Science Church c/o Reverend Hatcher, appeals to construct a 102' x 103' one-story and lower level, 14,057 s/f church building and parking lot on an acreage parcel, located in split zoning for a Multi-Family and General Retail Business Districts on the northeast corner of Kinsman Road and East 75th Street at 7243 Kinsman Road; subject to the limitations of Section 337.03 and by reference from Section 337.02 for a One-Family District, the proposed church in a Two-Family District is required to be 15' from any adjoining premises in a Residence District not used for a similar purpose and as proposed, the church abuts a Two-Family District on the north side and a Multi-Family District on the west side; and contrary to Section 349.04(e), 40 parking spaces are proposed and 50

off-street parking spaces are required; and contrary to the Fence Regulations, a 5' high chain link fence is proposed; and only an ornamental fence, that is a maximum height of 4' and is 50% open, is permitted in the front yard, as stated in Section 358.04 of the Codified Ordinances.

Calendar No. 04-240: 12775 Berea Road (Ward 19)

Grand C. Corporation d.b.a., AC Supply c/o Ron Wire, owner, appeals to install an approximate 33 s/f, additional ID cabinet sign to an existing sign pole where there is an existing 72 s/f sign, situated on the Berea Road frontage of an acreage parcel in a General Industry District on the south side of Berea Road at 12775 Berea Road; contrary to the Sign Regulations, the existing and additional signage as proposed, are an approximate total of 108 s/f ; and free-standing ID signage in an Industrial District may not exceed 75 s/f as stated in Section 350.15 of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 18, 2004

At the meeting of the Board of Zoning Appeals on Monday, October 18, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 04-221: 5702 Tillman Avenue

Jack Myers-Kiousis appealed to erect a 34' x 51' two-story single family dwelling on a 68' x 138' irregular shaped lot in a Two-Family District.

Calendar No. 04-202: 1215 East 82nd Street

Kimberly Capers appealed to erect an 18' x 23' one and a half story room addition to the rear of a two-story single family dwelling and a 26' x 26' one-story garage in a Two-Family District; subject to lot consolidation.

The following appeals were **Denied:**

Calendar No. 04-220: 16920 Eldamore Avenue

Laurent Berry appealed to establish a Type A day care in a two-story, one family dwelling in an A1 One-Family District.

Calendar No. 04-246: Violation Notice, 5100 Pearl Road

Alexander Solomon appealed from a Notice of Violation issued on September 17, 2004 by the Building and Housing Department.

The following appeals were **Postponed:**

Calendar No. 04-224: Appeal of Anthony L. Woodard postponed to November 8, 2004.

Calendar No. 04-225: 16911 Euclid Avenue postponed to November 15, 2004.

Calendar No. 04-171: 8211 Platt Avenue postponed to November 8, 2004.

Calendar No. 04-205: 3500 Woodland Avenue postponed to November 8, 2004.

The following appeals were **Withdrawn:**

Calendar No. 04-179: 4257 East 71st Street
Roy & Jay Inc. c/o Jay Patel appealed to expand an existing grocery store by adding a carryout restaurant in a Local Retail Business District.

Calendar No. 04-223: 1378 Clearaire Road
The Cleveland Municipal School District appealed to erect a 53,868 s/f, two-story Kindergarten through 8th Grade school building on acreage located between Clearaire and Larchmont Roads in an A1 One-Family District.

In Executive Session on October 18, 2004, the following appeals heard by the Board on October 11, 2004 were adopted and approved.

The following appeal was **Approved:**

Calendar No. 04-218: 3549 East 118th Street
Dessie Stevens appealed to enclose a 20' x 7'-6" front porch of a one family dwelling in a Two-Family District.

Calendar No. 04-232: 11113 Fidelity Avenue
Cheryl Lusardo appealed to erect a 23' x 20' wooden deck to the rear of a one family dwelling in a Two-Family District.

Calendar No. 04-236: 4400 South Meadow Lane
Bill Graham, a neighboring property owner, appealed from the decision of the Director of Building and Housing to issue a permit to erect a one family residence with an attached garage at 4400 South Meadow Lane.

The following appeals were **Denied:**

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 27, 2004

Labor and Materials for the Sewer Test Tee Installation, Inspection & Repair, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 541.13, of the Codified Ordinances of Cleveland, Ohio, 1976.
THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 21, 2004, AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, (RED CONFERENCE ROOM), CLEVELAND, OHIO 44108.

October 13, 2004 and October 20, 2004

THURSDAY, OCTOBER 28, 2004

Group VI Copiers, for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 1682-03, passed by the Council of the City of Cleveland, September 22, 2003.
THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 21, 2004, AT 11:00 A.M., DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 13, 2004 and October 20, 2004

THURSDAY, NOVEMBER 4, 2004

West 105th Street Rehabilitation from Bellaire Road to Lorain Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1980-02 and 2330-03, passed by the Council of the City of Cleveland, October 21, 2002 and February 9, 2004, 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, OCTOBER 28, 2004, AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

October 13, 2004 and October 20, 2004

FRIDAY, NOVEMBER 12, 2004

Nottingham Backwash Clarifier Project No. 459, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 834-04, passed by the Council of the City of Cleveland, June 14, 2004.

THERE WILL BE A 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, OCTOBER 29, 2004, AT 9:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Neutralization Chemicals, 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, OCTOBER 22, 2004, AT 1:00 P.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

October 13, 2004 and October 20, 2004

THURSDAY, NOVEMBER 4, 2004

Storefront Renovation Tremont Health Centers, for the Various Health Centers, Department of Public Health, as authorized by Ordinance No. 1224-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A REFUNDABLE FEE 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, OCTOBER 28, 2004, AT 2:00 P.M., TREMONT HEALTH CENTER, 23581 PROFESSOR AVENUE, CLEVELAND, OHIO 44113.

Reclaimed or Virgin Asphalt Concrete, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 768-04, passed by the Council of the City of Cleveland, May 17, 2004.
THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, OCTOBER 25, 2004, AT 10:30 A.M., DIVISION OF STREETS, ROOM 25, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

October 20, 2004 and October 27, 2004

FRIDAY, NOVEMBER 5, 2004

Rental of Large Capacity Trucks with Operators, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 767-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, OCTOBER 25, 2004, AT 11:00 A.M., DIVISION OF STREETS, ROOM 25, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

October 20, 2004 and October 27, 2004

WEDNESDAY, NOVEMBER 10, 2004

Grinding of Pavement, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 771-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, MONDAY, NOVEMBER 1, 2004, AT 10:00 A.M., DIVISION OF STREETS, ROOM 25, 601 LAKE-

SIDE AVENUE, CLEVELAND, OHIO 44114.

October 20, 2004 and October 27, 2004

FRIDAY, NOVEMBER 12, 2004

Powdered Activated Carbon, 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, WEDNESDAY, OCTOBER 27, 2004, AT 1:30 P.M., DIVISION OF WATER, ROOM, CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

Disposal of Debris at Landfill, for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1474-04, passed by the Council of the City of Cleveland, October 11, 2004.

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, NOVEMBER 3, 2004, 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.

October 20, 2004 and October 27, 2004

WEDNESDAY, NOVEMBER 17, 2004

Rebuild of Longterm Parking Garage, for the Division of Cleveland Hopkins International Air-

port, Department of Port Control, as authorized by Ordinance No. 2375-02, passed by the Council of the City of Cleveland, May 12, 2003.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SIXTY DOLLARS (\$60.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 4, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

October 20, 2004 and October 27, 2004

WEDNESDAY, NOVEMBER 24, 2004

Fire, Boiler, Machinery and Extended Insurance, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1078-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, NOVEMBER 4, 2004, 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.

October 20, 2004 and October 27, 2004

**Certified MBes and FBES
 Reporting Period: Third Quarter, 2004**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) by the Mayor's Office of Equal Opportunity during the Third Quarter of 2004.

Company	MBE/FBE	Certdate	Description
2E, Inc.	FBE	8/12/2004	Engineering services including environmental, remediation, project management, wastewater design, etc.
3D Visual Concepts	MBE	7/20/2004	3D design visualization, architectural, engineering, construction rendering & fly-thru animation, CAD design and drafting services
Access Video, Inc.	FBE	7/15/2004	Video production & editing
Alarm Core, LLC.	MBE	7/29/2004	Security: security officers, couriers, private investigators, transportation, night watchmen; also, pre-employment & tenant screening; security cleaning of buildings
Albert's Air Conditioning, Inc.	MBE	9/22/2004	General contractor specializing in HVAC and electrical work
Allstate Industrial, Inc.	MBE	8/10/2004	Supplier: safety equipment & supplies, safety glasses, boots, protective clothing, rainsuits, safety equipment for flammable liquids, respirators
Alphaport, Inc.	FBE	9/23/2004	Research and educational services, management consultant, controlled products and data administration
Al's High Tech dba Al's Electric Motor	FBE	7/9/2004	Sales, service and repair of electric motors, equipment, etc., complete machine shop, vibration analysis

Analyzers	MBE/FBE	7/20/2004	Professional organizer
APA & Associates	MBE	8/23/2004	Sales, installation & service of telephone systems; design, install & certify voice and data cabling
APEX Construction Company, Inc.	MBE	8/23/2004	General contractor specializing in remodeling, painting, masonry, and roofing and carpentry
Applied Laser Technologies	FBE	9/16/2004	Laser & inkjet printer sales, service and supplies
BAT Associates, Inc.	MBE	7/14/2004	Engineering services: hazardous waste mgmt., environmental engineering, underground storage tank mgmt., hydraulic and water resource engineering, civil & structural engineering
Bean & Bennett Enterprises, Inc.	MBE	8/26/2004	Janitorial cleaning services: residential, industrial and commercial including construction
Bradley Construction Co., Inc.	MBE	7/16/2004	General contractor: cast-in-place concrete, concrete masonry, excavation, highway construction and project administration
Broma Information Technology, LLC	MBE	8/6/2004	Information technology, business assessment, project management, internet & intranet assessment, technology training and support and application development
C.I.R. Plumbing, Inc.	MBE/FBE	8/12/2004	Plumbing contractor
C.Y.A. Plumbing, Inc.	FBE	9/17/2004	Plumbing contractor
Cahlik Electric, Inc.	FBE	8/9/2004	Electrical contractor
Carnegie Plastics Cabinetry, Inc.	MBE	9/7/2004	Manufacturer specializing in custom laminated and solid surface countertops, cabinets, vanities and shelving for commercial and residential
Central Engineering, Inc.	MBE	8/23/2004	Civil engineer: Highway & bridge design; utility design including water sewer, drainage, structures, bridge & construction inspection & painting
Chainlinks Services	MBE	9/1/2004	General contractor specializing in carpentry and painting
Clarktel Communications Corp.	MBE	8/18/2004	Installation of business telephone systems, service upgrades, including adding, moving, and changing phones; consulting; cable installation
Cleveland Industrial Concrete Floors, Inc.	FBE	8/16/2004	General contractor specializing in concrete work
Cobalt Group, Inc.	FBE	9/2/2004	Comprehensive organizational and business development, capital investment, community development planning & project implementation, marketing and feasibility studies
Commercial Tile & Stone, Inc.	FBE	9/3/2004	Furnish & install ceramic tile, quarry tile, pavers, marble & granite; handset stone only
Cook Paving and Construction Co., Inc.	MBE	9/16/2004	General contractor specializing in paving, asphalt, underground utility work including excavation
Copy King, Inc.	FBE	8/13/2004	Reproduction of texts and photos including graphic design
Cuyahoga Companies, Inc., The	FBE	9/21/2004	Interior design services; furniture, flooring, movable walls, raised flooring, space planning & moving services
Cynergies Technology Solutions, Inc.	FBE	9/24/2004	Information technology solutions and staffing, temporary and permanent
Cyngier Systems Management, Inc.	FBE	7/20/2004	General contractor specializing in HVAC, electrical, plumbing, hydronics, refrigeration
Designer Walls, Inc.	FBE	8/31/2004	Commercial painting and wallcovering contractor
Desman Associates	MBE	9/15/2004	Architectural and engineering services; parking facilities and restoration of parking structures
Development & Management Co., Inc.	MBE	9/14/2004	Contractor specializing in rehab-commercial and construction management
Dynamic Market Management	MBE/FBE	7/17/2004	Project management, market research, surveys
E.B. Advanced, P.C.	MBE	9/28/2004	Consultant: Engineering services
Echos Air, Inc.	MBE	9/8/2004	HVAC Contractor: fabrication and installation; service & design/build HVAC systems
Einnob Construction Co.	MBE	8/20/2004	General contractor specializing in rehabilitation of residential and commercial property
English Concessions dba Fins & Feathers, Inc.	MBE	9/27/2004	Institutional and social catering; food distribution, concession management
Environmental Control Laboratories	MBE	9/16/2004	Environmental testing for water, wastewater, soil, solid waste, hazardous materials, asbestos sampling
ESA Engineering Services, Inc.	FBE	8/13/2004	Software engineering for automation, controls, sensors, programming, trouble shooting

Euell Consulting Group, LLC	MBE/FBE	8/12/2004	Training and workshops: diversity, body size diversity, career development, sexual harassment, etc.
Ferneway Company, The	MBE/FBE	7/21/2004	Public relations, marketing including grant & scriptwriting
Finest Builders, Inc.	MBE/FBE	9/7/2004	General contractor specializing in renovations, carpentry, drywall, painting, concrete, asphalt and roofing
Firstech, Inc.	MBE	8/6/2004	Environmental analytical laboratory testing and research
Focus Coaching & Consulting, Inc.	FBE	9/23/2004	Consultant for skill building, training programs and organization development
Forest City Erectors, Inc.	FBE	8/11/2004	General contractor specializing in crane services, rigging and steel erection
Friedel Trucking Company, Inc.	FBE	7/22/2004	Trucking and hauling
G.T. Electric	MBE	8/12/2004	Electrical contractor: installation, servicing, maintenance and consultation
Gateway Electric, Inc.	MBE	8/21/2004	Electrical contractor
Gene Ptacek & Son Fire Equipment Co., Inc.	FBE	9/15/2004	Sales and service of fire equipment
GQ Contracting Company, The	FBE	9/28/2004	General contractor specializing in carpentry, rough and finished; drywall, light gauge steel forming, acoustics, and plastering
H.C. Painting Company	MBE	7/12/2004	Painting: exterior and interior painting, wall coverings
H.S. Development Corporation	MBE	7/20/2004	General contractor specializing in carpentry work
Hayes Construction Co., Inc.	MBE	9/27/2004	General contractor specializing in interior finishing, elevator work; remodeling and rehabilitation. Consultant services in urban planning and design; construction management
Higher Dimensions Training & Resource Center	MBE/FBE	7/19/2004	Computer training, installation and consultant support for technical services, hardware and software
Identiphoto Company, Ltd.	FBE	7/14/2004	Sales & service of photo id, id systems, cards, badges & id supplies; law enforcement & id software, cameras
Independent Brokers, Ltd.	MBE	9/1/2004	Sales consultant; business development
Infrastructure Services, Inc.	MBE	9/23/2004	Engineering services: civil, structural, inspections, drafting and surveying
Ink Well, The	MBE/FBE	9/17/2004	Full service printing including binding, die cutting, etc.
iSource Performance Materials	MBE	9/20/2004	Warehousing & distribution of industrial maintenance products including bearings, maintenance products, lubricants, adhesives, paints & general purpose cleaners
J and S Company, The	MBE	8/19/2004	Trucking and hauling of materials; commercial and residential lawn and garden, landscaping by design and snowplowing services
J. Stevens Construction, Inc.	MBE	8/6/2004	General contractor specializing in residential and commercial carpentry
Jags Enterprise	MBE/FBE	8/11/2004	Court stenography services
JB Media, Inc.	MBE/FBE	8/16/2004	Graphic design and media planning
JEKS Builders, Inc.	FBE	9/28/2004	General contractor specializing in construction of new homes, commercial buildings, rehab; construction management
Jones Equipment, Inc.	FBE	9/28/2004	Supplier: truck bodies, plows, mowers, spreaders, tools, related parts including service and parts
Jones Technologies Enterprises, Inc.	MBE	7/28/2004	General construction, facilities operations & maintenance, construction mgmt., mechanical & electrical engineering, industrial services, communications, control systems, engineering
Jordan Roberts Development	MBE	9/15/2004	HVAC contractor, site work
Kalapos Architects	FBE	9/23/2004	Architectural services including construction management
KEMS Construction Co., Inc.	MBE	9/17/2004	General contractor specializing in residential construction and rehabilitation including carpentry and painting
L & B Electrical	MBE	9/21/2004	Electrical contractor

Lakeland Electric Supply Co., Inc.	FBE	7/15/2004	Electrical supplier
Landmark Plumbing, Inc.	FBE	9/17/2004	Plumbing contractor
Lawrence Harris Construction, Inc.	MBE	9/3/2004	General contractor specializing in asphalt & concrete, cable trenches, filter fabric underdrains, bases, foundation, and excavation and demolition
LEH, Inc.	MBE	7/22/2004	Commercial cleaning; large building, exterior & interior; detailed office cleaning (buffing, vac, steel cleaning, stairways); new home preparation-interior cleaning (windows, floors)
Leoni Decorating & Painting	MBE	9/7/2004	General contractor specializing in rehab, renovations and decorating and painting
Lewis Electric	MBE	8/20/2004	Electrical contractor-install and maintain electrical equipment and devices
Lightning General & Demolition Contractors	MBE	8/3/2004	General contractor specializing in demolition, sewer and rehab of residential buildings; trucking: hauling & asbestos abatement
Logical Services, Inc.	MBE/FBE	8/20/2004	Vehicle services: CDL drivers, installation of accessories for vehicles, HVAC contractor
LonColeman Corporation	MBE	8/19/2004	Construction management, facilities management, real estate development
Lott Construction Company, Inc.	MBE	9/28/2004	General contractor specializing in excavation, underground utilities, bridges, water mains, culvert, water & sewer construction
M & R Enterprises, Inc.	MBE	8/10/2004	General contractor specializing fire protection, cleaning sewer pipes, video inspection of culvert & sewer pipes, on-site management & disposal of sludge & debris
McTax Service	MBE/FBE	7/29/2004	Tax preparation; payroll service
McTech Corp., dba Tech Ready Mix	MBE	9/17/2004	General contractor specializing in highway, bridge construction including sidewalks, ramps; supplier of concrete ready mix products and construction aggregates
Media Impressions	FBE	7/29/2004	Media planning and buying services
Midtown Trucking	MBE	8/30/2004	Trucking: hauling of materials
Minority Trucking & Contracting Association,	MBE	7/12/2004	Trucking, hauling, excavation, demolition, aggregate supplier
ML Warner Architects, Ltd.	FBE	7/29/2004	Architectural services
MLM Material Hauling Co.	FBE	7/26/2004	Trucking: Dump trucks
Mountaineer Title Agency, Inc.	FBE	8/26/2004	Real estate title services: titles, escrow, etc.
Mr. Reeder's Landscaping	MBE	8/11/2004	All season landscaping and snow removal; total lawn maintenance
Myldred Boston Howell Realty, Inc.	MBE/FBE	8/9/2004	Real estate broker
Natural Comfort Systems	MBE	9/27/2004	HVAC Contractor
New Dimensions	FBE	9/23/2004	Supplier of janitorial products
North American Mechanical	FBE	7/17/2004	Mechanical contractor/HVAC/temperature control
Northeastern Services	FBE	7/30/2004	General contractor specializing in demolition, excavation and trucking
O.B.O. Demolition and Construction, Inc.	MBE	8/18/2004	General contractor specializing in hauling, demolition, excavating, and construction, repair of sanitary sewers and appurtenances
O.R. Colan Associates, Inc.	FBE	8/9/2004	Land acquisition, appraisal, relocation and related activities, including turnkey program management for public agencies
Obon, Inc.	MBE	8/5/2004	Trucking: dump trucks, single unit, tri-axle; excavation and sitework
Office Facility Management Corporation	MBE/FBE	9/15/2004	Consultant: on-site facilities management services
Ozanne Construction Co., Inc.	MBE	7/22/2004	General contractor: construction and project management services; construction management; carpentry and general labor
Pardo Consultants, Inc.	MBE	9/11/2004	Engineer consulting & management services: HVAC, plumbing, fire protection, mechanical & electrical
Patricia T. Hill, MBA	MBE/FBE	9/9/2004	Insurance: casualty, property, bonds, life, health, group annuities, risk management
Picasso Painting, Inc.	MBE	8/9/2004	General contractor specializing in painting
Pinkney-Perry Insurance Agency	MBE	7/15/2004	General insurance agency

Precision Engineering & Contracting, Inc.	MBE	9/22/2004	General contractor specializing in site work, construction management, engineering services
Premium Technical Services	MBE	8/26/2004	Video inspection of sewer systems; inspection of construction projects; plan layouts with use of computers
Project T.E.A.C.H., Inc.	FBE	8/13/2004	Write and train OSHA, DOT, EPA programs
R & R Mechanical Corp.	MBE	9/17/2004	General contractor specializing in plumbing and installation of fire protection systems; concrete work
R.L. Cole Enterprise, Inc.	MBE/FBE	8/10/2004	Trucking, hauling and landscaping
Ran Associates, Inc.	MBE	7/16/2004	Employment services; temporary help
RMC, Inc.	MBE	8/11/2004	Construction management; underground water main repair, fire hydrant installation and other emergency repairs on water mains and appurtenances
Robert P. Madison, Inc.	MBE	8/19/2004	Professional services: architectural; electrical, structural, and engineering
Roberts Consultants, Inc.	MBE	7/8/2004	Engineer services: electrical systems and mechanical engineer; underground drainage
Ross-Tek Information Systems, Inc.	MBE	9/10/2004	Consulting and integration computer services including Windows NT, Novell Netware installation and configuration, cabling, project management and technical support services
Rubystone Companies, Inc.	MBE	8/19/2004	General contractor specializing in masonry, carpentry, concrete and drywall work
Ruccella Construction, Inc.	MBE	9/29/2004	General Contractor specializing in sprinkler systems, carpentry, site development & excavation, mechanical, HVAC, masonry, concrete, underground utilities; buildings: conventional & pre-engineered, highway construction
S & B Floor Covering, Inc.	MBE	7/1/2004	Supplier: supply and install carpet, O.C.T. & ceramic tile, painting and wall covering
Samsel Supply Company	FBE	7/14/2004	Full service marine supplier including fabrication for lifting, rigging, etc. and canvas shop
Secretariat Company	FBE	9/15/2004	Secretarial services including transcriptions, word processing, correspondence and documentation preparation, editing, copying and fax services
See-Ann-Inc.	FBE	8/19/2004	Furnish and erect structural and miscellaneous fabricated steel
Servco Products, Inc.	MBE	7/26/2004	Supplier: various types & sizes of fasteners, hex head cap screws, rods, washers, NYL insert insert L/N, hand & power tools, lubricants, parabolts, electrical
Sierra Lobo, Inc.	MBE	8/21/2004	Engineering Labs: commercial research, professional engineering and cryogenic
SMS Business Media, Inc.	FBE	9/15/2004	Supplier: custom business forms
Snavelly Construction, Inc.	FBE	8/18/2004	General contractor, construction management and property management
Star Beverage Corp.	MBE	7/8/2004	Manufacture, market, ship and sell carbonated and non-carbonated soft drinks
Strategic Urban Solutions, Inc.	MBE/FBE	7/19/2004	Urban planning & Geographic Information Systems (GIS) including development; RFP and
Studio Graphique, Inc.	FBE	8/24/2004	Graphic design agency: corporate identity programs, environmental graphic, signage design, marketing campaigns, web design and promotional materials
Suburban Medical Laboratory, Inc.	FBE	7/19/2004	PH medical laboratory, wellness program
Summit Drilling Co., Inc.	FBE	7/20/2004	Environmental & geotechnical drilling services including soil sampling, rock coring, etc.
Superior Fence & Building	MBE	8/24/2004	Installing and/or repairing fences
Taylor Road Insurance Agency, Inc.	MBE	8/23/2004	All lines of insurance
Terrell & Associates	MBE/FBE	7/26/2004	Planning, organizational, management, strategic, communication planning, business development, project management, & public affairs issues management
Tower City Title Agency, Inc.	FBE	8/25/2004	Title insurance, searches, filing of mortgage deeds & property reports, escrow

Traffic Control Products, Inc.	FBE	8/12/2004	Traffic signals and controls: traffic counters, computerized traffic systems
Ultra Printing & Design, Inc.	FBE	8/9/2004	Full service printer; offset printing, continuous forms, design, typesetting, illustration, translation
Van Auken Akins Architects	FBE	9/13/2004	Architectural and interior design services
VanHala Industrial Inc.	FBE	8/26/2004	Supplier: digital & bubbler systems, dryers, filters, elements; provide ultrasonic inspection systems
Vital Resources, Inc.	FBE	7/20/2004	Information technologies computer services including project management, software dev., network, analysis, testing, training and programming
Vocon Design, Inc.	FBE	8/5/2004	Interior design services including programming, space planning, specifications of furniture/finishes, and installation management
Washington Insurance Agency, Inc.	MBE	9/15/2004	Insurance agency: multi lines, life, health, auto, commercial, homeowners and group
Western Waterproofing Co., Inc.	FBE	9/12/2004	Building restoration, concrete restoration, waterproofing, caulking & dampproofing
Wiggins Interiors	MBE	8/25/2004	General contractor specializing in carpentry; installation of cabinets, drywall, ceilings, floors and renovation
Wintrow Construction Corp.	FBE	8/8/2004	Full service railroad contractor
Work Best Electric	FBE	8/16/2004	Electrical contractor
Wright, Richardson & Company, Inc.	MBE	9/10/2004	CPA: accounting, auditing, management & financial consulting services
WS Studio Company	MBE	8/30/2004	Architecture and interior design, graphic design, urban planning, web page design, architectural renderings
Your Construction Co., LLC	MBE	9/28/2004	Commercial, residential and industrial painting

**MBEs/FBEs DELETED FROM OEO'S DATABASE
Third Quarter, 2004**

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

MBE/FBE	Company
FBE	J.F. Novak Company
FBE	Jean Schnell Photography
FBE	Sweet & Associates, Ltd.
FBE	Traditional Building Systems, Inc.
MBE	Belmonte Park Environmental Laboratories
MBE	Builders Group, Inc.
MBE	Caver Brothers, Inc.
MBE	Davenport's Crafts & Crafts
MBE	Diversified Services Corp.
MBE	Doi Dickinson Architects, Ltd.
MBE	Enterprise Company
MBE	Flex-Tech Professional Services, Inc.
MBE	Hunsi Group, Inc.
MBE	Integrated Consulting Services, Ltd.
MBE	IQC Cleaning Services, Inc.
MBE	Lee & Marie's Plastering Company
MBE	Magitech Corp.
MBE	O.B.O. Trucking Co., Inc.
MBE	Paramount Heating & Air Conditioning
MBE	Purefoy & Associates
MBE	Ramos Trucking Corporation
MBE	Ribway Engineering Group, Inc.
MBE	Sigcom Group, Inc.
MBE	Singleton Construction Co.
MBE	Tom Paige Catering
MBE	Vanguard Training Services, LLC
MBE/FBE	Vertex Computer Systems, Inc.
MBE/FBE	We Clean It Krystal Klean

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1458-04.
By Council Member Cimperman
(by request).

An emergency resolution declaring the intention to vacate a portion of Diemer Court N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Diemer Court N.E., as described; 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 this Council declares its intention to vacate a portion of the following described real property:

being all that portion of Diemer Court N.E. (25 feet wide) extending from the Easterly line of East 64 Street (40 feet wide) Easterly to the Westerly line of Addison Road N.E. (40 feet wide).

Reviewed and Approved by John Jenkins, Survey Section Chief for E&C

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

Adopted October 11, 2004.

Effective October 13, 2004.

Res. No. 1484-04.
By Council Member Polensek (by request).

An emergency resolution declaring the intention to vacate a portion of East 156th Place N.E.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of East 156th Place, N.E. as hereinafter described; and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 it hereby declares its intention to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being known as all that portion of:

EAST 156TH PLACE N.E. (14.00 feet wide) extending Northerly from the Northerly line of Holmes Avenue N.E. (60.00 feet wide) to the Westerly prolongation of the Northerly line of Sublot Number 43 in the W. G. Rose Subdivision as shown on the recorded plat in Volume 8, Page 1 of Cuyahoga County Records.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Adopted October 11, 2004.

Effective October 13, 2004.

Res. No. 1485-04.
By Council Member Zone (by request).

An emergency resolution declaring the intention to vacate a portion of Side Avenue N.W. (width varies).

Whereas, this Council is satisfied that there is good cause to vacate a portion of Side Avenue, as described; 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 this Council declares its intention to vacate a portion of the following described real property:

Side Avenue N.W. (width varies) extending from the Easterly line of West 58 Place (13.50 feet wide) Easterly to the West line of the William Wessing Allotment as shown by the recorded plat in Volume 4, Page 6 of Cuyahoga County Map Records.

Reviewed and Approved by John Jenkins, Survey Section Chief for E&C

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

Adopted October 11, 2004.

Effective October 13, 2004.

Res. No. 1980-04.
By Council Member Cimperman.
An emergency resolution expressing this Council's support of St. Clair Superior Development Corporation's plan to establish a town house community at 1030 East 62nd Street.

Whereas, St. Clair Superior Development Corporation is working to demolish the current structure located at 1030 East 62nd Street in order to establish a new town house community; and

Whereas, this location was identified as a primary development site twelve years ago; and

Whereas, St. Clair Superior Development Corporation is applying for a Cuyahoga County Brownfield Redevelopment Fund Community Assessment Initiative grant; and

Whereas, this grant would assist in funding Phase I and Phase II of environmental assessments; 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 expresses its support of St. Clair Superior

Development Corporation's plan to establish a town house community at 1030 East 62nd Street.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Director of St. Clair Superior Development Corporation.

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

Adopted October 11, 2004.

Effective October 13, 2004.

Res. No. 1981-04.
By Council Member Britt.
An emergency resolution objecting to a New C1 Liquor Permit at 12102 Larchmere Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard, Cleveland, Ohio 44120, Permanent Number 1877625; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Czerny Miller Incorporated, 12102 Larchmere Boulevard, Cleveland, Ohio 44120, Permanent Number 1877625; 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 October 11, 2004.
Effective October 13, 2004.

Res. No. 1982-04.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit at 2121 Euclid Avenue, basement and s/w corner.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from S K Shire, Inc., DBA Paninis Cleveland State, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 7645672 to Aramark Educational Services, Inc., DBA Tortilla Fresca, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 02520690015; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1 and D2

Liquor Permit from S K Shire, Inc., DBA Paninis Cleveland State, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 7645672 to Aramark Educational Services, Inc., DBA Tortilla Fresca, 2121 Euclid Avenue, basement and s/w corner, Cleveland, Ohio 44115, Permanent Number 02520690015; 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 October 11, 2004.

Effective October 13, 2004.

Ord. No. 417-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to develop specifications, to assess system conditions and to provide engineering design and programming services necessary to install, integrate, and implement a Supervisory Control and Data Acquisition ("SCADA") System; to provide training, technical support and maintenance; authorizing the Director to acquire one or more software licenses; determining the method of making the public improvement of procuring, constructing and installing a SCADA System; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; and authorizing the purchase by one or more contracts of system equipment, including but not limited to hardware, software, ancillary systems, and related equipment, supplies and services, including maintenance, 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, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for a

Supervisory Control and Data Acquisition ("SCADA") System, including but not limited to, programming, developing specifications, assessing system conditions, and designing, integrating and implementing process instrumentation, sensors, actuators, hardware, controls, controllers, monitoring systems, computers, servers, networks, equipment, radio telemetry survey and systems, data communications systems, ancillary systems, and remote monitoring and control sites, and to provide training, technical support and maintenance. The Director of Public Utilities is authorized to acquire one or more software licenses from one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors, necessary for the SCADA System.

The selection of the consultants, computer software developers, or vendors for the services and software licenses shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants, computer software developers, or vendors 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, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of procuring, constructing and installing a SCADA System, including but not limited to, sensors, actuators, hardware, software, controls, controllers, monitoring systems, computers, servers, networks, equipment, and appurtenances, including software and hardware maintenance and technical support, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 3. 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 for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 4. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: software, system equipment, including but not limited to hardware, ancillary systems, and related equipment, supplies and services, including hardware and software

maintenance and technical support, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Water, Department of Public Utilities.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Law 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 6. The Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 7. That the work authorized by this ordinance may be managed under the scope of the Division of Water's Plant Enhancement Program, if deemed proper by the Director of Public Utilities.

Section 8. That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231 and from funds and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds, Request No. 142861.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 486-04.

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

An emergency ordinance to amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to penalties for misdemeanors, and penalties for zoning, housing, and building code violations; and to accept the misdemeanor penalty guidelines enacted through House Bill 479 and Senate Bill 57, effective January 1, 2004.

Whereas, the misdemeanor penalty guidelines adopted through House Bill 479 and Senate Bill 57, effective January 1, 2004, among other things, increased the rates Ohio municipalities may charge for misdemeanor penalties; and

Whereas, the City of Cleveland wishes to follow the guidelines and to increase misdemeanor penalties accordingly; and

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

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

Section 1. That this Council approves the misdemeanor penalty guidelines adopted through House Bill 479 and Senate Bill 57, effective

January 1, 2004, which among other things, increased the rates Ohio municipalities may charge for misdemeanor penalties, and authorizes the appropriate City officials to charge accordingly.

Section 2. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 201.99, as amended by Ordinance No. 1548-90, passed March 18, 1991,

Section 327.99, as amended by Ordinance No. 1006-03, passed June 10, 2003,

Section 367.99, as amended by Ordinance No. 1864-01, passed October 20, 2003, and

Section 3103.99, as amended by Ordinance No. 1006-03, passed June 10, 2003,

Section 403.99, as amended by Ordinance No. 835-03, passed June 10, 2003, and

Section 601.99, as amended by Ordinance No. 90-96, passed March 18, 1996,

are amended to read as follows:

Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten days, nor more than ninety days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist under notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his assignee, shall be deemed guilty of a violation of this Zoning Code each day he permits such nuisance to continue unabated after due notice from the Director of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of Section 337.16 of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be reduced, waived or suspended. In addition, imprisonment for not less than ten days nor more than ninety days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.23, 347.02, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13 or, 357.14 or Section 347.08 as a first offense of that section shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) Whoever violates Section 347.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Section 347.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(f) The Director of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward and shall provide the Councilperson of each ward with a written weekly report listing the violations of this section in their particular ward.

(g) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 201.99 Penalty

(a) Whoever violates any provision of this Health Code, where another penalty is not otherwise provided, is guilty of a minor misdemeanor on a first offense and shall be fined not more than one hundred fifty dollars (\$150.00); on a second or subsequent offense, such person is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both. Each day of a continuing violation or non-compliance constitutes a separate offense.

(b) Whoever violates Sections 203.07, 203.08, 203.09, 205.02, 209.01, 209.02, 211.01 or 211.02 shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Section 367.99 Penalty

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply with this Housing Code or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Housing Inspector at a reasonable hour, and whoever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply with this Housing Code or with any written notice or written order issued hereunder, subsequent to con-

viction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

(b) Whoever violates Section 367.11 shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense thereof.

(c) Whoever violates Section 367.12 or 367.13 shall be guilty of a misdemeanor of the first degree.

(d) Whoever violates Section 371.01 shall receive a mandatory fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(e) Whoever violates Sections 369.13, 369.14, 369.15, 369.16, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13 or Section 369.08 as a first offense shall be fined not more than one fifty hundred dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates Sections 392.02, 392.03, 392.04, 392.05 or 392.06 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) Whoever violates Section 369.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days or both. Whoever violates Section 369.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(g) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

(h) The Director of Building and Housing shall consult with the Councilperson of each ward about the enforcement of the provisions of this section in their particular ward and shall provide the Councilperson of each ward with a written weekly report listing the violations of this section in their particular ward.

(i) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 3103.99 Penalty

(a) Whoever violates any provision of this Building Code for which no other penalty is provided or any rule or regulation or order promulgated thereunder, or any code adopted herein, or fails to comply with the lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

(b) Whoever violates Sections 3103.10, 3105.01, 3105.02, 3105.05, 3109.11, 3125.01, 3101.11, 3113.03, 3113.10, 3113.16 or division (e) of Section 3101.10 as a first offense of those sections shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense shall be fined not more than five thousand dollars (\$5,000.00) for a misdemeanor of the first degree.

(d) Whoever violates Sections 3101.11, 3113.03, 3113.10, 3113.16 or division (e) of Section 3101.10 as a second offense of those sections shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Sections 3101.11, 3113.03, 3113.10, 3113.16 or division (e) of Section 3101.10 as a third or subsequent offense of those sections shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months, or both.

(e) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Building Code, to pay to the City's Department of Building and Housing, the fee for inspection of violations that have not been remedied, which fee is described in Sections 3103.09 and 3105.26, and the expenses or costs incurred under Section 3103.09 for the removal, repair, alteration, securing or boarding of a building or structure.

(f) The Director of Building and Housing shall consult with the councilperson of each ward about the enforcement of the provisions of this section in their particular ward and shall provide the Councilperson of each ward with a written weekly report listing the violations of this section in their particular ward.

(g) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 403.99 Traffic Code Misdemeanor Classifications and Penalties

(a) Misdemeanor Classifications
 (1) General classification. Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year

after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. (RC 4511.99). When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he operated a motor vehicle in excess of the posted speed limit by ten miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. When any person is found guilty of a violation of division (b)(9) of Section 433.03, in addition to all other penalties provided by law, such person shall be fined two times the usual amount imposed for the violation.

(2) Street racing. Whoever violates Section 433.07 is guilty of a misdemeanor of the first degree.

(3) Licensing drivers. Whoever violates any provision of Sections 435.01 to 435.07, inclusive, is guilty of a misdemeanor of the first degree.

(4) Accidents. Whoever violates any provision of Sections 435.15 to 435.17, inclusive, is guilty of a misdemeanor of the first degree.

(5) Willfully fleeing a police officer. Whoever violates division (b) of Section 403.02 is guilty of a misdemeanor of the first degree.

(6) Stopping for school buses. Whoever violates division (a) of Section 431.38 may be fined not more than five hundred dollars (\$500.00).

(7) Placing dangerous material on streets. Whoever violates division (e) of Section 411.01 is guilty of a misdemeanor of the first degree.

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor	None	150.00

(RC 2929.21)

(c) License Suspension.

(1) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend for not less than thirty days nor more than three years or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to any of the following:

A. Division (a) of Section 431.38;
 B. Sections 435.01 to 435.07, inclusive;

The trial judge, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence of not to exceed six months, if that imprisonment was not imposed for the offense for which the person was convicted.

(2) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to a violation of division (b) of Section 433.01. The length of the suspension or revocation imposed by the trial judge upon a person who is convicted or pleads guilty to a violation of division (b) of Section 433.01 shall be the same as that imposed pursuant to division (B) of Section 4507.16 of the Revised Code upon a person who is convicted of or pleads guilty to a violation of Section 4511.19 of the Revised Code, or a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) The trial judge of the Cleveland Municipal Court may, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than fifteen days who is convicted of or pleads guilty to a violation of operating a motor vehicle faster than five miles per hour in excess of the prima-facie speed limits specified in Section 433.03 relating to passing a school building or grounds or operating a motor vehicle in a residential district. For any subsequent conviction of any such provision, the trial judge shall, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than thirty days who is convicted of or pleads guilty to any offense specified in this division. The first five days may not be suspended by the Court.

Section 601.99 Penalties for Misdemeanors

(a) Whoever is convicted of or pleads guilty to a misdemeanor as classified in the Codified Ordinances (the "offender"), other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing a violation of Section 623.01 that is a misdemeanor, or a violation of division (a)(2) of Section 623.02 when the means used are fire or explosion, shall be required to reimburse agencies for their investigation or prosecution costs in accordance with RC 2929.28.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor	No imprisonment	150.00

(RC 2929.21)

(b) Notwithstanding the provisions of division (a) of this section, if the sentencing court determines that the victim of an offense set forth in Section 619.04, 621.03, 621.06, 621.07, 621.09, 621.10, 621.11, 623.01, 623.02, 623.03, 623.04, 625.05, 625.07, 625.12, 625.17, 625.20 or 625.26 of these Codified Ordinances was sixty (60) years of age or older at the time of the commission of the offense:

(1) In the case of offenses which are classified misdemeanors of the first degree, the court shall set the offender's fine at \$1,000.00 and in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment.

(2) In the case of offenses which are classified minor misdemeanors or misdemeanors of the second, third or fourth degree, the penalty for the offense shall be the next greater degree of misdemeanor than that which is set forth in the section defining the offense.

A. In the case of offenses which become misdemeanors of the first degree pursuant to this division, the court shall set the offender's fine at not less than \$750.00 and, in addition to said fine, shall sentence the offender to not less than sixty (60) days imprisonment.

B. In the case of offenses which become misdemeanors of the second degree pursuant to this division, the court shall set the offender's fine at not less than \$500.00 and, in addition to said fine, shall sentence the offender to not less than thirty (30) days' imprisonment.

C. In the cases of offenses which become misdemeanors of the third degree pursuant to this division, the court shall set the offender's fine at not less than \$250.00 and, in addition to said fine, shall sentence the offender to not less than fifteen (15) days' imprisonment.

D. In the case of offenses which become misdemeanors of the fourth degree pursuant to this division, the court shall set the offender's fine at not less than \$100.00 and, in addition to said fine, shall sentence the offender to not less than ten (10) days' imprisonment.

(3) Where applicable, the court may require the offender to make restitution for all or part of the property damage that is caused by his offense and for all or part of the value of the property that is the subject of any theft offense.

(4) The minimum fines and imprisonment to be imposed by the court pursuant to divisions (b)(1) and (b)(2) of this section are mandatory. The court shall not suspend all or any portion of said minimum fines and imprisonment.

(c) Regardless of the penalties provided in division (a) of this section, an organization convicted of an offense pursuant to Section 601.10 shall be fined, which fine shall be fixed by the court as follows:

Type of Misdemeanor	Maximum Fine
1st degree	\$5,000.00
2nd degree	4,000.00
3rd degree	3,000.00
4th degree	2,000.00
Minor	1,000.00
Misdemeanor not specifically classified	2,000.00
Minor misdemeanor not specifically classified	1,000.00

(1) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this division (c).

(2) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this division (c), then the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.

(3) This division (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 601.10, either in addition to or in lieu of a fine imposed pursuant to this division (c). (RC 2929.31)

Section 3. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 201.99, as amended by Ordinance No. 1548-90, passed March 18, 1991,

Section 327.99, as amended by Ordinance No. 1006-03, passed June 10, 2003,

Section 367.99, as amended by Ordinance No. 1864-01, passed October 20, 2003, and

Section 3103.99, as amended by Ordinance No. 1006-03, passed June 10, 2003,

Section 403.99, as amended by Ordinance No. 835-03, passed June 10, 2003, and

Section 601.99, as amended by Ordinance No. 90-96, passed March 18, 1996, are repealed.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 857-04.

By Council Members Reed and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Criminal Justice Services Agency for the 2005 Team Approach to Violence Against Women Program - Law Enforcement; and to enter into one or more contracts with Cuyahoga County and one or more contracts with professional consultants to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$150,186 from the Criminal Justice Service Agency, to conduct the 2005 Team Approach to Violence Against Women Program - Law Enforcement, for the purposes set forth in the application and according thereto; 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 said funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 857-04-A, made a part hereof as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$56,062 from Fund Nos. 01-600201-639905, 10 SF 025, and 10 SF 027, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with professional consultants to implement the program as described in the file, payable from the fund or funds to which are credited the grant proceeds and cash match accepted under this ordinance.

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 Public Safety.

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 951-04.

By Council Member Conwell. An emergency ordinance to amend Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, relating to the powers and duties of the Director of Building and Housing; and to enact new Section 138.08 regarding a fund using unclaimed fire insurance proceeds.

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 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, is amended to read as follows:

Section 3103.01 Powers and Duties of Director of Building and Housing

(a) *General Duties.* The Director of Building and Housing with the assistance of officials of the divisions of the City having jurisdiction, is hereby authorized and directed to enforce the provisions of OBC and this Building Code, to administer and direct the Department of Building and Housing and to establish policies, procedures and standards for its efficient operation, to review plans and specifications, to issue building permits and certificates, to conduct inspections, to issue rules and regulations for the operation of the Department consistent with OBC and this Building Code, to maintain records and make reports, and to perform such other duties and services as may be necessary to execute the provisions of OBC and this Building Code, and be consistent herewith, or as may be imposed upon the Director by law or by ordinance or by direction of the Mayor.

(b) *Deputy.* The Director shall designate as his deputy a qualified person who shall exercise all powers of the Director during his absence or disability. The Deputy Director shall be appointed and may be removed by the Director in accordance with the Civil Service provisions of the charter.

(c) *Records.* The Director shall keep, or cause to be kept, permanent, accurate records of all of the business of the Department. The records of the Department shall be open to public inspection during business hours as designated therefore by the Director.

(d) *Acknowledgements and Reports.* The Director shall promptly acknowledge receipt of all official communications, notices and reports. The Director shall prepare annual reports as mandated or required by the Mayor.

(e) *Cooperation of Other City Departments.* The officials of other City departments and divisions having jurisdiction or control of construction, use or occupancy under the provisions of this Building Code or under other applicable laws, ordinances, rules, or regulations, shall cooperate and assist in the enforcement of the provisions of OBC or this Building Code. Any City employee empowered to make inspections of buildings, structures or premises, shall promptly report to the administrative officer having jurisdiction any violation of OBC or this Building Code perceived in the performance of his or her duties.

Any administrative officer directed or empowered to act under any provision of OBC or this Building Code shall act promptly, and without unnecessary delay.

(f) *Authority to Act.* Whenever in OBC or this Building Code an Administrative Officer is directed or empowered to perform duties or exercise authority it shall be interpreted to mean such administrative officer or his duly authorized representative or inspector.

(g) *Authorizing Procedures for Fire Insurance Proceeds.* The City of Cleveland adopts and accepts the

provisions and procedures set forth in Section 3929.86 of the Revised Code, particularly divisions (c) and (d), providing for the transfer and receipt of portions of fire insurance proceeds. The Director of Building and Housing is designated as the officer of the City of Cleveland to carry out the duties under that Section. The fire insurance proceeds received shall be placed in Fund No. 80 SF 085 to be used for demolition, boarding up, repairing, or otherwise securing of properties. As stated in the relevant provisions of the Ohio Revised Code, excess funds shall be returned to the insured when repair, removal, or securing of the building or structure has been performed by the City or completed by another entity. For purposes of this section, repair, removal or securing is not completed until the structure or building is demolished or able to be occupied for its intended and legal use as verified by the Director of Building and Housing.

Section 2. That existing Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1266-02, passed January 27, 2003, is repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 138.08 to read as follows:

Section 138.08 Property Rejuvenation Fund

When the fire insurance proceeds received under the authority of division (g) of Section 3103.01 of the Codified Ordinances of Cleveland, Ohio, 1976, and Section 3929.86 of the Revised Code are unclaimed and the City has complied with all relevant procedures and laws regarding unclaimed funds, those funds shall be placed in Fund 10-811, the Property Rejuvenation Fund and disbursed to the appropriate fund, to be used for demolition, property clean-up, maintenance, or rehabilitation under programs administered by the Departments of Community Development and Building and Housing. The funds may be granted or loaned to other persons or entities or may be used directly by the City. The Property Rejuvenation Fund shall be administered under rules and regulations written by the Directors of Community Development and Building and Housing and submitted to Council for adoption. The rules and regulations shall provide that, to the extent practicable, the funds shall be used in the geographic area of the fire-damaged property that resulted in the collection of the funds. The funds in the Property Rejuvenation Fund are appropriated for the purposes stated in this ordinance and in the rules and regulations referred to above.

Section 4. The Clerk of Council is directed to transmit a certified copy of this ordinance to the Superintendent of Insurance, State of Ohio, for the purpose of notifying the State of Ohio that the City has changed the officer authorized to carry out the duties of Section 3929.86 of the Revised Code. Ordinance 2015-80, passed November 22, 1982, authorized the Director of Community Development to carry out the duties. The Director of Building and Housing will now carry out the duties.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 996-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor, and for emergency clean up and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor, and for emergency clean up and replacement of leaking underground storage tanks and systems, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130340)

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 997-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of remanufactured automatic Allison transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130343)

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 998-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Bell Equipment Co., Inc. for Leach packer parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Bell Equipment Co., Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Bell Equipment Co., Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Leach packer parts, including installation if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130345)

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 999-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Gibson Machinery, LLC for Hi-Way salt spreader and insert parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Gibson Machinery, LLC. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Gibson Machinery, LLC under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed one or two years for Hi-Way salt spreader and insert parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130342)

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1000-04.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Newell Equipment Company, Inc. for Swenson and Henderson salt spreader and insert parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Newell Equipment Company, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Newell Equipment Company, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the re-

quirements for the period not to exceed one or two years for Swenson and Henderson salt spreader and insert parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130341)

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1258-04.
By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend the title, the second whereas clause, and Section 1 of Ordinance No. 2138-03, passed December 15, 2003, relating to the lease of City-owned property to Karen O'Malley Inc. dba as Harp Restaurant.

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, the second whereas clause, and Section 1 of Ordinance No. 2138-03, passed December 15, 2003, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Utilities to lease City-owned property to Karen O'Malley Inc. dba as Harp Restaurant, for a term of fifty (50) years with one option to renew for an additional fifty (50) year term.

Whereas, Karen O'Malley Inc. dba as Harp Restaurant has proposed to lease said property from the City; and

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to lease to Karen O'Malley Inc. dba as Harp Restaurant, certain property which is determined, to be not needed for public use for the term of the lease and which is described as follows:

Leased Premises

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 51 and bounded and described as follows:

Beginning on the Westerly line of West 44th Street (38 feet wide) now vacated at its intersection with the center line of an unnamed alley (10 feet wide) also vacated by Ordinance No. 751-98 passed by the Council of the City of Cleveland, August 19, 1998;

Thence Northerly along said Westerly line about 16 feet to a point;

Thence Westerly and parallel with the centerline of said unnamed alley about 73 feet to a point;

Thence Southerly at right angles to the last described line about 16 feet to the centerline of said unnamed alley;

Thence Easterly along the centerline of said alley to the place of beginning.

The above is a portion of the unnamed 10' alley and Permanent Parcel No. 003-12-003.

Section 2. That the existing title, the second whereas clause, and Section 1 of Ordinance No. 2138-03, passed December 15, 2003, are repealed.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1272-04.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Cuyahoga Metropolitan Housing Authority to allow its police officers to enforce state and municipal laws beyond its own properties within prescribed places in the City.

Whereas, division (E) of Section 3735.31 of the Revised Code authorizes metropolitan housing authorities to enter into agreements with municipal corporations to permit its police officers to exercise full arrest powers and to enforce laws of the state and ordinances and regulations of the municipal corporation with such areas as may be agreed to by the metropolitan housing authority and the municipal corporation; 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 Safety is authorized to enter into an agreement with the Cuyahoga Metropolitan Housing Authority ("CMHA") to permit CMHA police officers to exercise the authority under division (E) of Section 3735.31 of the Revised Code beyond its own properties within such areas of the City as may be agreed to by the City and CMHA. The agreement

authorized by this ordinance shall contain such provisions as may be needed to protect the interests of the City, in the opinion of the Directors of Law and Public Safety.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1281-04.

By Council Member Lewis.

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

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). 106-15-103, as more fully described below, to Mildred Jeffries.

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

P. P. No. 106-15-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 14 feet of Sublot No. 216, and the Northerly 23 feet of Sublot No. 217, in Streater and James' Re-Subdivision of part of Streater and Adams Subdivision of part of Original One Hundred Acre Lot Nos. 338 and 341, as shown by the recorded plat of said Re-Subdivision in Volume 13 of Maps, Page 6 of Cuyahoga County Records. Said parts of Sublot Nos. 216 and 217 together form a parcel of land having a frontage of 37 feet on the Easterly side of East 70th Street (formerly Russell Road) and extending back of equal width 150 feet, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordi-

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

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

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1292-04.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Ferris Avenue to Mildred Johnson.

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). 138-11-109, as more fully described below, to Mildred Johnson.

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

P. P. No. 138-11-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

38 in Ford, Morgan and Frisbie's Allotment of part of Original One Hundred Acre Lot Nos. 462 and 470, as shown by the recorded plat in Volume 24 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Ferris Street 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.

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

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

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1304-04.

By Council Member Westbrook.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 11623 Lake Avenue and 1227 West 116th Street to Marous Brothers Construction, Inc.; and authorizing the Directors of Economic Development and Parks, Recreation and Properties to enter into an Option to Purchase Agreement with Marous Brothers Construction, Inc. for the redevelopment.

Whereas, in 1991, Riser Foods purchased the Fifth Church of Christ building located at 11623 Lake Avenue and property at 1227 West 116th Street to build a new super-market facility; and

Whereas, in 1995 when Riser Foods applied for a demolition permit, neighborhood groups successfully convinced the City of Cleveland not to demolish the facility but rather to delay its demolition until redevelopment was possible; and

Whereas, in 2002, Riser Foods gave the property to the City of Cleveland; and

Whereas, the Directors of Economic Development and Parks, Recreation and Properties have requested the sale of City-owned property that is no longer needed for public use and is located at 11623 Lake Avenue and 1227 West 116th Street; and

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

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

Section 1. That the Directors of Economic Development and Parks, Recreation, and Properties are authorized to enter into and execute an Option to Purchase Agreement ("Option") for and on behalf of the City of Cleveland with Marous Brothers Construction, Inc. (the "Redeveloper") for the acquisition, disposition, and private redevelopment of the former Fifth Church of Christ property located at 11623 Lake Avenue and property at 1227 West 116th Street ("Property").

Section 2. That the Option authorized by this ordinance shall be substantially in the form contained in File No. 1304-04-A.

Section 3. That, as consideration for the Option, Redeveloper shall agree to begin the steps necessary to secure and stabilize the historic Fifth Church of Christ building on the Property within 30 days of execution of the Option; Redeveloper may be authorized to exercise the option and purchase the Property upon approval by the City Planning Commission of a redevelopment plan for the Property.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described City-owned Property is no longer needed for public use:

The following described real property:

Known as 11623 Lake Avenue, Cleveland, Ohio and further described as:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots No. 1, 2 and 3 in the Cook and Faerber Re-Subdivision of part of Original Brooklyn Township Lot No. 10 as shown by the recorded plat of said Re-Subdivision in Volume 32 of Maps, Page 18 of Cuyahoga County Records, and together forming a parcel of land 150 feet front on the Southerly side of Lake Avenue, N.W. and extending back of equal width 179.64 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways;

And,

The following described real property:

Known as 1227 W. 116th Street, Cleveland, Ohio and further described as:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in the Cook and Faerber Re-Subdivision of part of Original Brooklyn Township Lot No. 10 as shown by the recorded plat of said Re-Subdivision in Volume 32 of Maps, Page 18 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 116th Street (formerly

Fruitland Avenue), and extending back of equal width 145.82 feet, as appears by said plat.

Section 5. That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described Property to the Redeveloper at a price not less than fair market value as determined by the Board of Control.

Section 6. That the conveyance to the Redeveloper shall also be under the terms of the Option.

Section 7. That the Option shall contain such other terms and conditions as the Directors of Economic Development, Parks, Recreation, and Properties and Law shall deem necessary and appropriate to protect the interests of the City, including terms regarding conveyance of the Property to the redeveloper.

Section 8. That the conveyance shall be made by official quit claim deed to be prepared by the Director of Law and executed by the Commissioner of Purchases and Supplies and the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interest require. The deed shall also contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 9. That the Mayor, the Director of Economic Development, the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute the certifications and documents, and take other actions as may be necessary or appropriate in connection with carrying out the terms of the Option.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1466-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Calcon Inc. for professional services necessary to provide maintenance, repair, and replacement of existing security systems, for the Division of Water, 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 enter into one or more contracts with Calcon Inc. for professional services necessary to provide maintenance, repair, and replacement of existing security systems, including monitoring of facilities, intrusion alarms, access control, and close-circuit TV (CCTV) and digital video

recording, on the basis of its proposal dated January 14, 2004, in the total sum of \$150,000.00 for a two-year period, for the Division of Water, Department of Public Utilities. The contracts or contracts shall be paid from Fund No. 52 SF 001, 52 SF 223, 52 SF 227, 52 SF 229, 52 SF 331, and from the fund or funds to which are credited the proceeds of the sale of future waterworks revenue bonds, Request No. 148205.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1470-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Simplex Grinnell LP for professional services necessary to provide maintenance, repair, and replacement of fire alarms and detection systems, for the Division of Water, Department of Public Utilities, for a three-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 enter into one or more contracts with Simplex Grinnell LP for professional services necessary to provide maintenance, repair, and replacement of fire alarms and detection systems, on the basis of its proposal dated May 6, 2004, in the total sum of \$220,500.00 for a three-year period, for the Department of Public Utilities. The contracts or contracts shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 227, 52 SF 229, 52 SF 331, and from the fund or funds to which are credited the proceeds of the sale of future waterworks revenue bonds, Request No. 148117.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1472-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to install and operate an emergency dispatch customer-based telephone communication system, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153170)

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1474-04.
By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power, and 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 disposal of debris at landfills, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than 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 148201)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1479-04.
By Council Members Cimperman, Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to West 9th Properties LLC, an affiliate of Marous Development, to encroach into the public right-of-way of 1240 West 9th Street to construct, install, use, and maintain a building foundation, a marquee over the main entrance, various decorative architectural elements, and upper floor balconies, for the District Park Condominium project at the location(s).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to West 9th Properties LLC, an affiliate of Marous Development, 1702 Joseph Lloyd Parkway, Willoughby, Ohio 44094 ("Permittee") to encroach into the public right-of-way at 1240 West 9th Street by constructing, installing, using, and maintaining a building foundation, a marquee over the main entrance, various decorative architectural elements, and upper floor balconies, for the District Park Condominium project, at the location(s) more fully described as follows:

1240 West 9th Street
Encroachment

Beginning on the centerline of West 9th Street (99 feet wide) at its intersection with the centerline of West Lakeside Avenue N.W. (99 feet wide); thence Southerly along the centerline of said West 9th Street about 122.31 feet to a point; thence Westerly at right angles to said centerline 49.50 feet to the Westerly line of West 9th Street and the place of beginning of the following described encroachment area; thence Southerly along said Westerly line of West 9th Street 264.87 feet to a point; thence Easterly at right angles to the last described line 17 feet to a point; thence Northerly and parallel with the Westerly line of West 9th Street 264.87 feet to a point; thence Westerly 17 feet to the place of beginning.

Description approved by John E. Jenkins, Section Chief
Plats, Surveys and House Numbering Section

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

Section 2. That Permittee shall construct and install the encroaching structures only conforming to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroaching structure(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall include such additional provisions as he determines necessary to protect and benefit the public interest. The Permit shall be issued only when, in the opinion of the Director of Law, Permittee has property indemnified the City against any loss which may result from the encroachments permitted.

Section 4. That the Permit shall reserve reasonable right of entry to the City.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1481-04.**By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle and boat rehabilitation 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 Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle and boat rehabilitation, in the estimated sum of \$6,596,800, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

General Fund

<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est. Cost</u>
Cab/Chassis w/Dump-Enclosure	Waste Collection	2	57,000.00	114,000.00
Pick-Up, 4X4, Crew Cab	Streets Maintenance	3	30,000.00	90,000.00
Sidewalk Sweeper	Streets Maintenance	4	32,000.00	128,000.00
Plasma Cutter	Streets Maintenance	1	18,000.00	18,000.00
Mid-Size Passenger Car, Non Police	Police	45	17,000.00	765,000.00
Full-Size Cargo Van w/Dog Cages	Dog Pound	2	30,000.00	60,000.00
15-Passenger Van	Recreation	4	25,000.00	100,000.00
Pick-Up	Park Maintenance	5	23,000.00	115,000.00
Crew Cab/Chassis w/Dump-Plow Spr	Park Maintenance	2	70,000.00	140,000.00
Cab/Chassis w/Dry Goods Body	Park Maintenance	1	70,000.00	70,000.00
Sidewalk Tractor/Plow	Park Maintenance	2	20,000.00	40,000.00
Backhoe	Park Maintenance	4	65,000.00	260,000.00
			SUB TOTAL:	1,900,000.00

Enterprise Fund

<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est. Cost</u>
1 Ton Cargo Van	Cleveland Public Power	1	31,600.00	31,600.00
60' Bucket Truck	Cleveland Public Power	1	133,000.00	133,000.00
40' Bucket Truck	Cleveland Public Power	1	90,000.00	90,000.00
4X4 Vehicles	Cleveland Public Power	2	24,600.00	49,200.00
50' Digger Derrick	Cleveland Public Power	1	175,000.00	175,000.00
Mid-Size Passenger Car, Non Police	Cleveland Public Power	2	17,000.00	34,000.00
Cab/Chassis w/Cable Pulling Device	Cleveland Public Power	1	148,000.00	148,000.00
4X4 SUV	Water Pollution Control	2	26,000.00	52,000.00
Cab/Chassis w/Dump	Water Pollution Control	2	90,000.00	180,000.00
Cab/Chassis w/Flat Bed	Water Pollution Control	1	70,000.00	70,000.00
Cab/Chassis w/Sewer Cleaner	Water Pollution Control	1	220,000.00	220,000.00
4X4 SUV	Water	4	30,000.00	120,000.00
Mid-Size Passenger Car, Non Police	Water	3	15,000.00	45,000.00
Mid-Size Passenger Car, Station Wag	Water	4	22,000.00	88,000.00
Pick-Up	Water	8	25,000.00	200,000.00
Mini-Size Cargo Van	Water	1	23,000.00	23,000.00
Full-Size Cargo Van	Water	9	26,000.00	234,000.00
Cab/Chassis	Water	4	60,000.00	240,000.00
Cab/Chassis w/USV Body, Medium	Water	3	50,000.00	150,000.00
Cab/Chassis w/USV Body, Large	Water	8	90,000.00	720,000.00
Cab/Chassis	Water	2	115,000.00	230,000.00
Cab/Chassis w/Flat Bed-Crane	Water	1	195,000.00	195,000.00
Cargo Trailer	Water	1	4,000.00	4,000.00
Skid Steer Loader	Water	1	16,000.00	16,000.00
Fork Lift	Water	1	65,000.00	65,000.00
Asphalt Roller w/Trailer (1.25 ton)	Water	1	19,000.00	19,000.00
4X4 SUV	Port Control	2	26,000.00	52,000.00
Pick-Up, 4X4	Port Control	4	20,000.00	80,000.00
Cab/Chassis w/Runway Blower	Port Control	3	111,000.00	333,000.00
Tractor w/Hydraulics	Port Control	3	65,000.00	195,000.00
Utility Mower	Port Control	1	40,000.00	40,000.00
Utility Truckster	Port Control	1	14,000.00	14,000.00
Skid Steer Loader	Port Control	1	50,000.00	50,000.00
Aerial Boom Lift	Port Control	1	51,000.00	51,000.00
Cab/Chassis w/Tow Body	Port Control	1	350,000.00	350,000.00
			SUBTOTAL:	4,696,800.00
			GRAND TOTAL:	6,596,800.00

Bids shall be taken in such manner as to permit 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 a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of the contract or contracts shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, 60 SF 001, and 60 SF 106.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130364)

Section 4 That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases and may enter into contract or 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.

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1483-04.

By Council Member Zone (by request).

An emergency ordinance to vacate a portion of Aspen Court, N.W.

Whereas, under Resolution No. 789-02, adopted June 17, 2002, this Council declared its intention to vacate a portion of Aspen Court, N.W.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on June 24, 2004, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of Aspen Court, N.W. (14.00 feet wide), extending Easterly from the Easterly line of West 61st Street (30.00 feet wide), to that portion of Aspen Court, N.W. vacated by the Council of the City of Cleveland by Ordinance Number 1316-56, passed on June 26, 1956.

Section 2. That provided all required approvals have been obtained, the Commissioner of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 3. That the Clerk of Council is directed to transmit a copy of this resolution to the Auditor of Cuyahoga County.

Section 4. That this ordinance is declared to be an emergency mea-

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1488-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms for the 2004 Gang Resistance Education and Training Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$95,051, from the U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms to conduct the 2004 Gang Resistance Education and Training ("GREAT") Program; 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. 1488-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1493-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Kolbus America, Inc. to provide economic development assistance to partially finance the acquisition of personal property, leasehold improvements to the property located at 812 Huron Road, and to assist with architectural, engineering and consulting fees, and costs associated with relocating their business to Cleveland, and all other associated costs 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 Kolbus America, Inc. to provide economic development assistance to partially finance the acquisition of personal property, leasehold improvements to the property located at 812 Huron Road, and to assist with architectural, engineering and consulting fees, and costs associated with relocating their business to Cleveland, and all other associated costs 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. 1493-04-A.

Section 3. That the costs of the contract shall not exceed Three Hundred Thousand Dollars (\$300,000), and shall be paid from Fund 10 SF 540, which funds are appropriated for this purpose, Request No. 103624.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006 and 12 SF 958.

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

Section 7. That the Director of Law is authorized to prepare the contract and other documents that are appropriate to complete the transaction.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1512-04.

By Council Member Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Tennyson Road and East 89th Street to Blessed Hope Missionary Baptist Church.

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. 126-22-041 as more fully described below, to Blessed Hope Missionary Baptist Church.

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. 126-22-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lots Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records and being 30 feet front on the Northwesterly side of East 89th Street and extending back between parallel lines, 136.76 feet deep on the Southwesterly line, 130.76 feet deep on the Northeasterly line and 24+6 feet deep on the broken rear line, 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. 126-22-042 as more fully described below to Blessed Hope Missionary Baptist Church.

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

P. P. No. 126-22-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lots Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records, and being 30 feet front on the Westerly side of East 89th Street, (formerly Herschner Street), and extending back of equal width 136.76 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-22-043 as more fully described below, to Blessed Hope Missionary Baptist Church.

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

P. P. No. 126-22-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lot Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records, and being 30 feet front on the Northwesterly side of East 89th Street (formerly Herschner Street), and extending back of equal width 136.76 feet to an alley in the rear (now known as East 89th Place), 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. 126-22-044 as more fully described, to Blessed Hope Missionary Baptist Church.

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

P. P. No. 126-22-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Caskey and Calhoun's Subdivision of part of Original One Hundred Acre Lots Nos. 416 and 424, as shown by the recorded plat in Volume 18 of Maps, Page 3 of Cuyahoga County Records, and being 30 feet front on the Westerly side of East 89th Street, (formerly Herchner Street), extending back of equal width 136.76 feet, 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. 126-22-059 as more fully described below, to Blessed Hope Missionary Baptist Church.

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

P. P. No. 126-22-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as the Southerly end of Sublot No. 1 of Brooks, Pope and Cowles' Allotment of a part of Original One Hundred Acre Lot Nos. 415, 416, 423 and 424 in said city, a plat of which Allotment is recorded in Map-book 5, Page 33 of the records of said county. Said part of said Sublot hereby conveyed being bounded on the West, East and South by the West, East and South lines of said Sublot and on the North by a line parallel with said South line of said Sublot and 30 feet distant Northerly therefrom, and being a parcel of land 30 feet front on the Easterly side of Tennyson Road, S.E. and 59 feet 2 inches deep, be the same more or less, but subject to all legal highways.

Section 11. 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 11. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 12. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 13. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1515-04.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Corsica Avenue to Northeast Shores Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 113-14-082, as more fully described below, to Northeast Shores Development Corporation.

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

P. P. No. 113-14-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 298 and 299 in the Eastwood Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Corsica Avenue N.E., and extending

back between parallel lines, 101 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1517-04.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fenwick Avenue to Stockyard Redevelopment Organization.

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). 006-22-028 and 006-22-029, as more fully described below, to Stockyard Redevelopment Organization.

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

P. P. No. 006-22-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 120 feet of the Westerly 50 feet of Sublot No. 674 in Hiram Stone's Allotment of part of Original Brooklyn Township Lots Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Fenwick Avenue, S.W. (formerly Ravine Avenue, S.W., and extending back between parallel lines 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 006-22-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 307 in the Taylor and Hoyt Allotment of part of Original Brooklyn Township Lot Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Fenwick Avenue, S.E., (formerly Ravine Street), at the Northeasterly corner of said Sublot No. 307; thence Southerly along the Easterly line of said Sublot No. 307, 125 feet to a point; thence Westerly making an included angle of 94°-33'-50" 26.63 feet to a point; thence Westerly making an included angle of 176°-54'-30", 37 feet to a point in the Westerly line of said Sublot No. 307; thence Northerly along the Westerly line of said Sublot No. 307, 128.03 feet to a point which is also the Northwesterly corner of said Sublot No. 307; thence Easterly along the Southerly line of Fenwick Avenue, Southeasterly, 63.5 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

and covenants as are deemed necessary or appropriate.

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1518-04.

**By Council Member Zone.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 48th Street to MGK Properties Ltd.**

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-34-075, as more fully described below, to MGK Properties Ltd.

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

P. P. No. 002-34-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 52 in the Benedict and Root Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of West 48th Street, 60 feet wide, at the

Southwesterly corner of said Sublot No. 52; thence Northerly along said Easterly line, 46.40 feet; thence Easterly on a line making an angle of 90° 36' from the South to East with the last described line, 67.76 feet; thence continuing Easterly on a line deflecting to the left 7° 43' 40" with the last described line, to the South-easterly line of said Sublot No. 52; thence Southwesterly along the Southeasterly line of said Sublot No. 52, to the place of beginning, according to survey by Town and Country Engineering, dated July 26, 1955, be the same more or less, but subject to all legal highways.

TOGETHER WITH AND SUBJECT TO ALL of the Rights of Way, Easements, Restrictions, Covenants and Conditions created or reserved for the benefit of the above described premises or imposed upon said premises, in the deed from Hyman Cesar and Rose Cesar to Minnie Epstein dated August 29, 1955, and recorded in Volume 8430, Page 315 of Cuyahoga County Records.

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

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

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1660-04.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend Section 178.02 of the Codified Ordinances of Cleveland, Ohio, as amended by Ordinance No. 2353-93, passed February 14, 1994, relating to the disposition of public monies.

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 178.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93, passed February 14, 1994, is amended to read as follows:

Section 178.02 Disposition of Public Monies

(a) All public monies coming under the custody and control of the City Treasurer shall be deposited or invested by the City Treasurer as provided in this chapter. The City Treasurer may retain, however, in the Treasury or in such other offices of the City as may be necessary, such amounts of public money as may be needed in the opinion of the Director of Finance to transact the daily business of the Treasury or such offices.

(b) The City Treasurer shall deposit in active deposits such amounts of public monies as are needed in the opinion of the Director of Finance to provide the needed cash flow to pay City warrants and checks issued and outstanding, and a reasonable surplus in addition to the amount needed to pay such warrants and checks. All public monies of the City not deposited in active deposits or retained pursuant to division (a) of this section shall be invested in accordance with Section 178.12 of this chapter.

(c) Each division of the City receiving public monies shall deposit all public monies coming into its custody or control with an eligible depository on the business day next following the day of receipt if the total amount of such monies received exceeds one thousand dollars. If the total amount of the monies received does not exceed one thousand dollars, the monies shall be deposited on or before the third business day following the day of receipt. Any division of the City depositing public monies shall report such deposit in writing to the City Treasurer within twenty-four (24) hours of making the deposit.

(d) Before noon of each business day, the City Treasurer shall prepare a sworn statement delineating the total amount deposited in each eligible depository of the City during the preceding day, the number and amount of payment instruments issued on each eligible depository during the preceding business day and such other information as required by the Director of Finance. Copies of the statement shall be furnished to the Commissioner of Accounts and the City Controller. All money paid to the Treasurer shall be paid upon the order or draft of the Commissioner of Accounts and receipts therefor shall be given in duplicate, one of which shall have printed on its face the word "original" and the other, the word "duplicate." The duplicates of receipts for money shall be filed with the Commissioner of Accounts and each receipt shall state the amount received, from

whom received and to what fund the same is to be applied.

(e) The City Controller shall maintain the records of the amount of deposits made by the City Treasurer with each eligible depository and instruments issued by the City Treasurer on each eligible depository. The City Controller shall duly certify to the correctness of the City Treasurer's daily sworn statements, prepared in accordance with division (c) of this section, if they are found to be correct upon comparison with their respective books. Such sworn statements shall be kept on file in the office of the City Controller. If any such sworn statement is found to be incorrect, the City Controller shall forthwith give notice of such fact to the City Treasurer and the Director of Finance. After the end of each month, the City Controller shall reconcile the statements of the respective eligible depositories to the City Treasurer's daily statements and the City's accounting records. If the accounting records are found to be incorrect, the City Controller shall forthwith give notice of such fact to the Commissioner of Accounts and the City Treasurer.

(f) The Commissioner of Accounts shall maintain books which will show the cash balance of each fund, and shall issue no warrant payable from any such fund unless there is money belonging thereto for the payment of the warrant in full.

Section 2. That existing Section 178.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2353-93, passed February 14, 1994, is repealed.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1967-04.

By Council Member Brady.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Westside Industrial Retention and Expansion Network for the Berea Road Business Redevelopment Plan through the use of Ward 19 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 the Westside Industrial Retention and Expansion Network for the Berea Road Business Redevelopment Plan for the public purpose of increasing business redevelopment and economic opportunities in the

City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$32,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1968-04.

By Council Member Conwell.

An emergency ordinance amending the Title and Section 1 of Ordinance No. 584-04, passed April 5, 2004 as it pertains to the Forest Hills Parkway Empowerment Program through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 1. That the title and section 1 of Ordinance 584-04, passed April 5, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc., for the Forest Hills Parkway Empowerment Program through the use of Ward 9 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Forest Hills Parkway Empowerment Program for the public purpose of providing comprehensive social support programs for Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the existing title and section 1 of Ordinance No. 584-04, passed April 5, 2004 are hereby repealed.

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1969-04.

By Council Members Britt and Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Art Theatre for the Innovative After-School Program through the use of Ward 6 and 9 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Art Theatre for the Innovative After-School Program for the public purpose of providing performing arts education to youth residing in the City of Cleveland through the use of Wards 6 and 9 Neighborhood Equity Funds.

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

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1970-04.

By Council Member Gordon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Old Brooklyn Community Development Corporation for the Lower Big Creek Greenway Redevelopment and Restoration Plan through the use of Ward 15 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Old Brooklyn Community Development Corporation for the Lower Big Creek Greenway Redevelopment and Restoration Plan for the public purpose of promoting redevelopment and restoration of the Lower Big Creek Greenway to provide recreational opportunities for Cleveland residents through the use of Ward 15 Neighborhood Equity Funds.

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

to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1971-04.

By Council Members Pierce Scott and Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Ashbury Community Services, Inc. for the Ashbury Senior Computer Community Center through the use of Ward 8 and 9 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 Ashbury Community Services, Inc. for the Ashbury Senior Computer Community Center for the public purpose of providing computer training classes to City of Cleveland residents through the use of Wards 8 and 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1972-04.

By Council Member Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Hamilton School Empowerment Program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Church of Christ Economic Development, Inc. for the Hamilton School Empowerment Program for the public purpose of providing educational classes on conflict management to City of Cleveland residents through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1973-04.

By Council Member Rybka.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with The Filter Factory, Inc. for the Filter Factory Renovation Building Project through the use of Ward 12 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 The Filter Factory, Inc. for the Filter Factory Renovation Building Project for the public purpose of providing job retention in the City of Cleveland through the use of Ward 12 Neighborhood Equity Funds.

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

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

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1974-04.

By Council Member Zone.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with The Tom Evert Dance Company for the Hispanic Cultural and Arts Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with The Tom Evert Dance Company for the Hispanic Cultural and Arts Program for the public purpose of providing educational workshops on the Hispanic Mexican culture to residents in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.

Effective October 13, 2004.

Ord. No. 1975-04.

By Council Member Zone.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Commission on Catholic Community Action for the Social Service Resource Inventory Program through the use of Ward 17 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Commission on Catholic

Community Action for the Social Service Resource Inventory Program for the public purpose of determining the most effective means to connect needy Cleveland residents to the various social service agencies and programs through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1976-04.
By Council Member Reed.

An emergency ordinance to amend Section 1 of Ordinance No. 1205-04, passed June 16, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with Thea Bowman Center for providing their Mt. Pleasant Community Orchestra program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 1205-04, passed June 16, 2004 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with St. Cecilia Catholic Church for providing their Mt. Pleasant Community Orchestra program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Wards 3 Neighborhood Equity Funds

Section 2. That Section 1 of 1205-04, passed June 16, 2004 is hereby repealed.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1977-04.
By Council Member Pierce Scott.
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the contract with the Garrett Square Development Corporation for the Glenville Titans Football Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to amend contract No. 63307 with the Garrett Square Development Corporation for the Glenville Titans Football Program for the public purpose of providing youth recreational activities for City of Cleveland youth through the use of Ward 8 Neighborhood Equity Funds.

Section 2. That the cost of the amended contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1978-04.
By Council Members Brady, Reed and White.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1784-04, passed September 27, 2004 as it pertains to the Food Program for Needy Residents through the use of Ward 2, 3, and 19 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 1784-04, passed September 27, 2004 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Cleveland Food Basket Program for the Food Program for Needy Residents through the use of Wards 2, 3 and 19 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the New Cleveland Food Bas-

ket Program for the Food Program for Needy Residents for the public purpose of providing food to low income Cleveland residents through the use of Wards 2, 3 and 19 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$35,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Title and Sections 1 and 2 of Ordinance No. 1784-04, passed September 27, 2004 are hereby repealed.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1979-04.
By Council Member Dolan.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the West 176th Street, LLC and/or the Kamms Shopping Plaza, LLC for the Environmental Remediation Project through the use of Ward 21 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with the West 176th Street, LLC and/or the Kamms Shopping Plaza, LLC for the Environmental Remediation Project at 17510 Lorain Avenue, Cleveland, Ohio 44111 for the public purpose of remediating a brown field site of environmental contamination in order to promote economic development in the City of Cleveland through the use of Ward 21 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.
Effective October 13, 2004.

**Ord. No. 1984-04.
By Council Members Gordon and O'Malley.**

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 1867-04, passed October 4, 2004 as it pertains to authorizing the Director of Community Development to enter into an agreement with Old Brooklyn Neighborhood Services, Inc. for providing educational programming to the City of Cleveland through the use of Wards 15 and 16 Neighborhood Equity Funds.

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

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

Section 1. That Sections 1 and 2 of Ordinance No. 1867-04, passed October 4, 2004 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into grant agreement with Old Brooklyn Neighborhood Services, Inc. for their Old Brooklyn Residential Safety & Health program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 15 and 16 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$60,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1 and 2 of Ordinance No. 1867-04, passed October 4, 2004 are hereby repealed.

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1985-04.

By Council Member Coats.

An emergency ordinance authorizing the Director of City Planning Commission to enter into a grant agreement with Euclid St. Clair Development Corporation for conducting a feasibility study in order to carry out the public purpose of promoting residential development through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of City Planning Commission is authorized to enter into a grant agreement with Euclid St. Clair Development Corporation for conducting a feasibility study in order to carry out the public purpose of promoting residential development through the use of Ward 10 Neighborhood Equity

Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$75,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1986-04.

By Council Member Coats.

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Lee Cleaners for renovations in order to carry out the public purpose of creating and retaining jobs for the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Lee Cleaners for renovations in order to carry out the public purpose of creating and retaining jobs for the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.
Effective October 13, 2004.

Ord. No. 1987-04.

By Council Member Coats.

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Smith Funeral Home for

renovations in order to carry out the public purpose of job creation and retention to the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with Smith Funeral Home for renovations in order to carry out the public purpose of providing job creation and retention to the residents of the City of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 11, 2004.
Effective October 13, 2004.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, October 18, 2004
9:30 a.m.**

Employment, Affirmative Action and Training Committee: Present in Employ: Lewis, Chair; Conwell, Vice Chair; Cintron, Coats, Johnson, Reed, Polensek.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Westbrook, White. Authorized Absence: Pierce Scott.

**Wednesday, October 20, 2004
10:00 a.m.**

Public Safety Committee: Present in Safety: Reed, Chair; Britt, Vice Chair; Brady, Coats, Conwell, White, Zone. Authorized Absence: Cimperman, Jones.

1:30 a.m.

Public Utilities Committee: Present in Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Cintron, Polensek, Sweeney, Westbrook, Zone. Authorized Absence: Jones.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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(BOC Res. 588-04) 2026

Lonnie Burten Park site improvements — contract per Ord. 1114-02, 2151-03 to R.J. Platten
Contracting — Division of Research, Planning and Development
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Board of Control — Professional Service Contracts

Comprehensive financial plans and service/rate & fee analysis — contract per Ord. 2427-03
to CH2M Hill, Inc. — Divisions of Water and Water Pollution Control, Dept. of Public
Utilities (BOC Res. 582-04) 2025

Water Pollution Control building renovation feasibility study and master plan — amend BOC
Res. 441-04 — Division of Water Pollution Control, Dept. of Public Utilities
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Board of Control — Public Improvement Contracts

Duggan Park site improvements — contract per Ord. 1114-02, 2151-03 to F.
Buddie Contracting, Ltd. — Division of Research, Planning and Development, Dept. of
Parks, Recreation and Properties (BOC Res. 588-04) 2026

Lonnie Burten Park site improvements — contract per Ord. 1114-02, 2151-03 to R.J. Platten
Contracting — Division of Research, Planning and Development, Dept. of Parks,
Recreation and Properties (BOC Res. 587-04) 2026

Board of Control — Public Utilities Department

Carpeting — contract per Ord. 2025-02 to Fred L. Wiggins, d.b.a., Wiggins Interiors
— Division of Cleveland Public Power (BOC Res. 576-04) 2024

Comprehensive financial plans and service/rate & fee analysis — contract per Ord. 2427-03
to CH2M Hill, Inc. — Divisions of Water and Water Pollution Control
(BOC Res. 582-04) 2025

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 507-04 —
Division of Water (BOC Res. 578-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 508-04 -
Division of Water (BOC Res. 579-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 509-04 —
Division of Water (BOC Res. 580-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 510-04 —
Division of Water (BOC Res. 581-04) 2025

Water Pollution Control building renovation feasibility study and master plan — amend BOC
Res. 441-04 — Division of Water Pollution Control (BOC Res. 577-04) 2024

Board of Control — Requirement Contracts

Carpeting — contract per Ord. 2025-02 to Fred L. Wiggins, d.b.a., Wiggins Interiors
— Division of Cleveland Public Power, Dept. of Public Utilities
(BOC Res. 576-04) 2024

Fire extinguishers, refill, repair or replace — amend BOC Res. 496-04 — Dept. of Finance
(BOC Res. 575-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 507-04 —
Division of Water, Dept. of Public Utilities (BOC Res. 578-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 508-04 —
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Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 509-04 —
Division of Water, Dept. of Public Utilities (BOC Res. 580-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 510-04 —
Division of Water, Dept. of Public Utilities (BOC Res. 581-04) 2025

Board of Control — Research, Planning and Development Division

Duggan Park site improvements — contract per Ord. 1114-02, 2151-03 to F.
 Buddie Contracting, Ltd. — Dept. of Parks, Recreation and Properties
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Lonnie Burten Park site improvements — contract per Ord. 1114-02, 2151-03 to
 R.J. Platten Contracting — Dept. of Parks, Recreation and Properties
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Board of Control — Water Division

Comprehensive financial plans and service/rate & fee analysis — contract per
 Ord. 2427-03 to CH2M Hill, Inc. — Dept. of Public Utilities
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Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 507-04 —
 Dept. of Public Utilities (BOC Res. 578-04) 2024

Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 508-04 —
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Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 509-04 —
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Motor control centers, switchgear, controls and appurtenances — amend BOC Res. 510-04 —
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Building renovation feasibility study and master plan — amend BOC Res. 441-04 — Dept. of
 Public Utilities (BOC Res. 577-04) 2024

Comprehensive financial plans and service/rate & fee analysis — contract per Ord. 2427-03
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Board of Zoning Appeals — Report

Clearaire Road, 1378, (Ward 11) — Cleveland Municipal School District, owner c/o Marcia
 Conrad, agent — appeal withdrawn on 10/18/04 (Cal. 04-223) 2028

East 118th Street, 3549, (Ward 3) — Dessie Stevens, owner — appeal granted and adopted
 on 10/18/04 (Cal. 04-218) 2028

East 71st Street, 4257, (Ward 12) — Roy & Jay Inc., c/o Jay Patel, owner — appeal
 withdrawn on 10/18/04 (Cal. 04-179) 2028

East 82nd Street, 1215, (Ward 7) — Kimberly Capers, owner — appeal heard on 10/18/04
 (Cal. 04-202) 2027

Eldamere Avenue, 16920, (Ward 1) — Laurent Berry, owner — appeal heard on 10/18/04
 (Cal. 04-220) 2027

Euclid Avenue, 16911, (Ward 10) — Roderick McClendon, owner — appeal postponed to
 11/15/04 on 10/18/04 (Cal. 04-225) 2028

Fidelity Avenue, 11113, (Ward 19) — Cheryl Lusardo, owner — appeal granted and adopted
 on 10/18/04 (Cal. 04-232) 2028

Pearl Road, 5100, (Ward 16) — Alexander Solomon, owner and David Lynch, attorney — appeal
 heard on 10/18/04 (Cal. 04-246) 2027

Platt Avenue, 8211, (Ward 6) — Lawrence Lane, owner — appeal postponed to 11/8/04
 on 10/18/04 (Cal. 04-171) 2028

South Meadow Lane, 4400, (Ward 15) — Bill Graham, neighboring property owner
 — appeal granted and adopted on 10/18/04 (Cal. 04-236) 2028

Tillman Avenue, 5702, (Ward 17) — Jack Myers-Kiousis, owner — appeal heard on 10/18/04
 (Cal. 04-221) 2027

Woodard, Anthony L. — appeal postponed to 11/8/04 on 10/18/04
 (Cal. 04-224) 2027

Woodland Avenue, 3500, (Ward 5) — Neal Desatnik, owner — appeal postponed to 11/8/04 on
 10/18/04 (Cal. 04-205) 2028

Board of Zoning Appeals — Schedule

Berea Road, 12775, (Ward 19) — Grand C. Corporation d.b.a., AC Supply c/o Ron Wire, owner
 — appeal to be heard on 11/1/04 (Cal. 04-240) 2027

Bridge Avenue, 5718, (Ward 17) — Norma Rodriguez, owner — appeal to be heard on 11/1/04
 (Cal. 04-233) 2027

Brookpark Avenue, 5360, (Ward 16) — Sun Properties, owner, c/o William Samstag, agent —
 appeal to be heard on 11/1/04 (Cal. 04-235) 2027

Chatfield Avenue, 16502, (Ward 21) — Nandy and Meethradeo Budhar, owners — appeal to be heard on 11/1/04 (Cal. 04-231)	2027
Chester Avenue, 2926, (Ward 13) — Albert M. Higley Company, c/o Bruce Higley, owner — appeal to be heard on 11/1/04 (Cal. 04-237).....	2027
Kinsman Road, 7243, (Ward 5) — St. Teresa Holiness Science Church, c/o Rev. Hatcher — appeal to be heard on 11/1/04 (Cal. 04-238).....	2027

Building and Housing Department

Powers and duties of the Director of Building and Housing — amend Sec. 3103.01 — fund using unclaimed fire insurance proceeds — new Sec. 138.08 (O 951-04)	2040
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Building Code

Penalties for misdemeanors, and penalties for zoning, housing, and building code violations — amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 (O 486-04)	2037
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Burke Lakefront Airport

AirSports Aviation, LTD — Lease Agreement — office space — amend Ord. 1690-03 (O 540-04)	2018
Business Aircraft Center, Inc. — City Contract No. 32625 — Lease By Way of Concession — fixed base facility (O 1967-03).....	2020-T

City of Cleveland Bids

Asphalt concrete, reclaimed or virgin — Department of Public Service — Division of Streets — per Ord. 768-04 — bid due November 4, 2004 (advertised 10/20/2004 and 10/27/2004).....	2029
Carbon, powdered activated — Department of Public Utilities — Division of Water — per C.O. Sec. 129.24 — bid due November 12, 2004 (advertised 10/20/2004 and 10/27/2004).....	2029
Debris disposal at landfill — Department of Public Utilities — Division of Water, Water Pollution Control, Cleveland Public Power — per Ord. 1474-04 — bid due November 12, 2004 (advertised 10/20/2004 and 10/27/2004).....	2029
Insurance, fire, boiler, machinery and extended — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 1078-02 — bid due November 24, 2004 (advertised 10/20/2004 and 10/27/2004)	2029
Longterm Parking garage rebuild — Department of Port Control — Division of Cleveland Hopkins International Airport — per Ord. 2375-02 — bid due November 17, 2004 (advertised 10/20/2004 and 10/27/2004)	2029
Pavement grinding — Department of Public Service — Division of Streets — per Ord. 771-04 — bid due November 10, 2004 (advertised 10/20/2004 and 10/27/2004).....	2029
Tremont Health Center storefront renovation — Department of Public Health — per Ord. 1224-01 — bid due November 4, 2004 (advertised 10/20/2004 and 10/27/2004).....	2028
Trucks, large capacity, rental of — Department of Public Service — Division of Streets — per Ord. 767-04 — bid due November 5, 2004 (advertised 10/20/2004 and 10/27/2004).....	2029

City Planning Commission

Euclid St. Clair Development Corporation — feasibility study — promoting residential development — Ward 10 NEF (O 1985-04)	2054
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Cleveland Hopkins International Airport

Centralized Deicing Facility Project, Phase II — professional consultants (O 1475-04).....	2019
Federal Aviation Administration — lease certain property — general office space — Port Control (O 1476-04).....	2019

Cleveland Housing Network

Write-down grants — contracts — houses purchased from HUD
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Corning Ave. — Land Reutilization Program (O 1507-04)2020

Cleveland Public Power

Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, &
Water Pollution Control (O 1474-04).....**2045**
Emergency dispatch customer-based telephone communication system — purchase
(O 1472-04).....**2044**
Landscaping and snow removal service — various locations
(O 2009-04).....2013
Operating business assessment — future business strategy plan — professional
consultants (O 2010-04)2013

Codified Ordinances

Disposition of public monies — amend Section 178.02 (O 1660-04).....**2050**
Driving While Under the Influence of Alcohol or Drugs — reducing the concentration of
alcohol— amend Sec. 433.01 (O 711-04).....2018
Penalties for misdemeanors, and penalties for zoning, housing, and building code
violations — amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99
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Powers and duties of the Director of Building and Housing — amend Sec. 3103.01 — fund
using unclaimed fire insurance proceeds — new Sec. 138.08
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Communications

Cambridge, City of — Honoring the soldiers killed in Iraq (F 2038-04).....2012
Living Wage Coordinator — re: Written Notification Requirements — various companies
(F 2036-04)2011
Living Wage Coordinator — re: Written Notification Requirements, Aaron Landscaping
(F 2034-04)2011
Living Wage Coordinator — re: Written Notification Requirements, Gardiner Service
Company (F 2032-04)2011
Living Wage Coordinator — re: Written Notification Requirements, Granger Trucking, Inc.
(F 2030-04)2011
Living Wage Coordinator — re: Written Notification Requirements, Perfecturf
(F 2033-04)2011
Living Wage Coordinator — re: Written Notification Requirements, Schindler Elevator Corp
(F 2029-04)2011
Living Wage Coordinator — re: Written Notification Requirements, Snider Blake
(F 2035-04)2011
Living Wage Coordinator — re: written Notification Requirements, Tenable Protective
Services (F 2031-04)2011
Office of Equal Opportunity — Certified MBEs and FBEs, Reporting Period: Third Quarter,
2004 (F 2039-04).....2012
Office of Equal Opportunity — MBE/FBE Deletions from OEO's database, Third Quarter, 2004
(F 2028-04)2011
Office of Equal Opportunity, Denials of Certification — Third Quarter, 2004
(F 2027-04)2011
Publication of advertisement — certified public accountants — Res. No. 1041-04
(F.1041-04-A)2011
South Euclid, City of — copy of Resolution (F 2037-04)2012

Community Development

Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8
and 9 NEF (O 1971-04)**2052**
Battery Park development project — construction of a public road — W. 74th St. &
Goodwalt Ave. (O 1526-04)2020
Bellaire Rd. — Land Reutilization Program — Frank Torres
(O 2022-04).....2016
Biddulph Ave., 4817 — Land Reutilization Program — Ronald Ziegler
(O 269-04)2018

Carter Manor Apartments — 1012 Prospect Ave. — rehabilitation — contract — Carter Manor Apartments, L.P. (O 2012-04)	2014
Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 NEF (O 1969-04).....	2051
Cleveland Church of Christ Economic Development, Inc. — Hamilton School Empowerment Program — Ward 3 NEF (O 1972-04).....	2052
Cleveland Housing Network — contracts — write-down grants — houses purchased from HUD (O 2013-04).....	2014
Commission on Catholic Community Action — Social Service Resource Inventory Program — Ward 17 NEF (O 1975-04).....	2052
Corning Ave. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 1507-04).....	2020
Corsica Ave. — Land Reutilization Program — Northeast Shores Development Corporation (O 1515-04).....	2049
E. 70th St. — Land Reutilization Program — Mildred Jeffries (O 1281-04).....	2043
E. 76th St. — Land Reutilization Program — Paulette Bryant (O 1676-04).....	2020
E. 89th St. — Land Reutilization Program — Blessed Hope Missionary Baptist Church (O 1512-04).....	2048
Fenwick Ave. — Land Reutilization Program — Stockyard Redevelopment Organization (O 1517-04).....	2049
Ferris Ave. — Land Reutilization Program — Mildred Johnson (O 1292-04).....	2043
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04).....	2053
Forest Hills Parkway Empowerment Program — amend Ord. 584-04 — Ward 9 NEF (O 1968-04).....	2051
InterAct Cleveland for the InterAct Hunger Center program — agreement — amend Ord. No. 1687-04 — Ward 6 NEF (O 2019-04).....	2016
Lorain Ave., 16800 — appropriate property — redevelopment (O 2014-04).....	2014
Low Interest Loan and Grant Programs — appropriating Community Development Block Grant funds & Federal HOME funds — amend Ord. No. 1012-04 (O 1504-04).....	2020
Old Brooklyn Community Dev. Corp. — Lower Big Creek Greenway Redevelopment and Restoration Plan — Ward 15 NEF (O 1970-04)	2051
Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 NEF (O 1984-04).....	2054
The Tom Evert Dance Company — Hispanic Cultural and Arts Program — Ward 17 NEF (O 1974-04)	2052
Thea Bowman Center — Mt. Pleasant Community Orchestra program — amend Ord. 1205-04 — Ward 3 NEF (O 1976-04).....	2053
Union Avenue, 11216 — Land Reutilization Program — Christ Temple Missionary Baptist Church (O 1065-2000)	2020-T
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Condolences

Candy, William (R 2046-04)	2012
Eberhardt, Phinida (R 2045-04).....	2012
Olszewski, Frances (R 2044-04).....	2012

Congratulations

Pratt, District Elder Gregory Alexander (R 2049-04).....	2012
Walls, Jr., Dr. James (R 2048-04).....	2012
William T. Boyd Lodge #79 (R 2047-04)	2012

Contracts

Business Aircraft Center, Inc. — City Contract No. 32625 — Lease By Way of Concession — fixed base facility — Burke Lakefront Airport (O 1967-03).....	2020-T
Calcom Inc. — maintenance — existing security systems — Division of Water (O 1466-04).....	2044
Carter Manor Apartments — 1012 Prospect Ave. — rehabilitation — Carter Manor Apartments, L.P. (O 2012-04).....	2014

Cleveland Housing Network — write-down grants — houses purchased from HUD
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Kolbus America, Inc. — acquisition of personal property, leasehold improvements — 812
Huron Rd. — relocate business (O 1493-04).....**2047**
Simplex Grinnell LP — maintenance — fire alarms and detection systems — Division of
Water (O 1470-04).....**2044**

Criminal Justice Services

Team Approach to Violence Against Women Program — Law Enforcement, 2005 — grant
(O 857-04)**2040**

Cuyahoga Metropolitan Housing Authority

Police officers — agreement — enforce state and municipal laws beyond its own
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Detroit Shoreway Community Development Organization

Bridge Ave., 5726 — neighborhood park — Council's support
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MarshAllan factory — W. 85th St. & Madison Ave. — residential housing — Council's
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Economic Development Department

IntelliNet Enterprise Management Services Corporation — grant agreement — relocation
costs — 1255 Euclid Ave. (O 2017-04).....2015
Kolbus America, Inc. — contract — acquisition of personal property, leasehold
improvements — 812 Huron Rd. — relocate business (O 1493-04).....**2047**
Lake Ave., 11623 & W. 116th St., 1227 — sale of City-owned property — amend Ord. No.
1304-04 (O 2023-04)2017
Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers
Construction, Inc. — Option to Purchase Agreement (O 1304-04)**2043**
Lee Cleaners — renovations — grant agreement — Ward 10 NEF
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Smith Funeral Home — renovations — grant agreement — Ward 10 NEF
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The Filter Factory, Inc. — Filter Factory Renovation Building Project — Ward 12
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West 176th Street, LLC — Kamms Shopping Plaza, LLC — Environmental Remediation Project
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Westside Industrial Retention and Expansion Network — Berea Road
Business Redevelopment Plan — Ward 19 NEF (O 1967-04).....**2051**

Finance Department

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Microfiche and CD-Rom services — purchase — City government
(O 2006-04).....2012
Office supplies — purchase — various divisions (O 2005-04)2012
Standard wire — purchase — various divisions (O 2007-04)2012

Grants

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Cities for United Science Progress Program — United States Conference of Mayors
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Bureau of Alcohol, Tobacco and Firearms (O 1488-04).....**2047**
Team Approach to Violence Against Women Program — Law Enforcement, 2005 — Criminal
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Health Care Coverage

Active military duty — group health and life insurance coverage — amend Ord. No.
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Health Department

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 Cities for United Science Progress Program — grant — grant — United States Conference
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Housing

MarshAllan factory — W. 85th St. & Madison Ave. — residential housing — Detroit
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Housing and Urban Development (HUD)

Cleveland Housing Network — contracts — write-down grants — houses purchased from HUD
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Insurance

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Land Reutilization Program

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 Fenwick Ave. — Stockyard Redevelopment Organization (O 1517-04) **2049**
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AirSports Aviation, LTD — office space at Burke Lakefront Airport — amend Ord. 1690-03
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 E. 131st St., 3595-97 — objection — withdraw (Ward 3) (R 2025-04) 2018
 E. 144th St., 3744 — transfer (Ward 3) (F 2041-04)..... 2012
 Euclid Ave., 2121 — objection (Ward 13) (R 1982-04)..... **2036**

Kinsman Rd., 14101— transfer (Ward 3) (F 2042-04)2012
 Larchmere Blvd., 12102 — objection — new (Ward 6) (R 1981-04).....**2035**
 Triskett Rd., 14016 — transfer — objection (Ward 20) (R 2026-04)2018
 W. 117th St., 3349 — transfer (Ward 19) (F 2040-04)2012
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 Gibson Machinery, LLC — requirement contracts — Hi-Way salt spreader and insert parts
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 Forest Hills Parkway Empowerment Program — amend Ord. 584-04 — Ward 9
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Lakeshore Blvd., 16300 — appropriate property — park and recreational purposes — repeal Res. No. 2254-02 (R 2018-04)	2016

Personnel Department

Active military duty — group health and life insurance coverage — amend Ord. No. 1852-03 (O 2016-04)	2015
Medical and group dental insurance coverage, vision and life insurance coverage — contract amendments — extension (O 2015-04)	2015

Port Control Department

AirSports Aviation, LTD — Lease Agreement — office space at Burke Lakefront Airport — amend Ord. 1690-03 (O 540-04).....	2018
Asphalt, concrete, and tack coat — purchase — various divisions (O 1477-04).....	2019
Business Aircraft Center, Inc. — City Contract No. 32625 — Lease By Way of Concession — fixed base facility — Burke Lakefront Airport (O 1967-03)	2020-T
Centralized Deicing Facility Project, Phase II — professional consultants — Cleveland Hopkins International Airport (O 1475-04)	2019
Elevators, escalators, and moving walkways f — maintain and repair — various divisions (O 1478-04).....	2019
Federal Aviation Administration — lease certain property — general office space (O 1476-04).....	2019

Purchases and Supplies Division

Lake Ave., 11623 & W. 116th St., 1227 — sale of City-owned property — amend Ord. No. 1304-04 (O 2023-04)2017

Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers Construction, Inc. — Option to Purchase Agreement (O 1304-04)..... **2043**

Recognition

Netherlands Atlantic Association (R 2050-04).....2012

Regional Transit Authority

Brookpark Road Rapid Station development — City’s appointees — RTA Board of Trustees incorporate card check/neutrality language (R 544-02) **2020-T**

Resolutions — Miscellaneous

Bridge Ave., 5726 — neighborhood park — Detroit Shoreway Community Development Organization — Council’s support (R 2020-04).....2017

Brookpark Road Rapid Station development — City’s appointees — RTA Board of Trustees incorporate card check/neutrality language (R 544-02) **2020-T**

MarshAllan factory — W. 85th St. & Madison Ave. — residential housing — Detroit Shoreway Community Development Organization — Council’s support (R 2021-04)2017

St. Clair Superior Development Corporation’s plan — town house community — 1030 E. 62nd St. (R 1980-04) **2035**

Safety Department

Cuyahoga Metropolitan Housing Authority — agreement — police officers — enforce state and municipal laws beyond its own properties (O 1272-04) **2042**

Dominion Cleveland Therman, Inc. — transfer of the franchise — CT Acquisitions I Inc. (O 1519-04)..... **2020**

Gang Resistance Education and Training Program, 2004 — grant — U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms (O 1488-04) **2047**

Team Approach to Violence Against Women Program — Law Enforcement, 2005 — grant — Criminal Justice Services Agency (O 857-04)..... **2040**

Service Department

Allison transmissions — remanufactured automatic — purchase — Div. of Motor Vehicle Maintenance (O 997-04)..... **2041**

Architecture Division — furniture, fixtures, and equipment — purchase (O 1771-04).....2020

Bell Equipment Co., Inc. — requirement contracts — Leach packer parts — Div. of Motor Vehicle Maintenance (O 998-04) **2041**

Cornell Road Bridge — design engineering services — professional consultants (O 2011-04).....2014

Diemer Court N.E. — intention to vacate (R 1458-04)..... **2035**

E. 156th Pl. N.E. — intention to vacate (R 1484-04) **2035**

Fuel dispensing pumps and systems — repair or replace (O 996-04) **2041**

Gibson Machinery, LLC — requirement contracts — Hi-Way salt spreader and insert parts — Div. of Motor Vehicle Maintenance (O 999-04)..... **2041**

Newell Equipment Company, Inc. — requirement contracts — Swenson and Henderson salt spreader and insert parts — Div. of Motor Vehicle Maintenance (O 1000-04)..... **2042**

On-road vehicles and off-road equipment — vehicles and boat rehabilitation — various divisions (O 1481-04) **2046**

Side Ave. N.W. (width varies) — intention to vacate (R 1485-04) **2035**

West 9th Properties LLC, an affiliate of Marous Development — permit — public right-of-way — District Park Condominium project — 1240 W. 9th St. (O 1479-04)..... **2045**

Street Vacation

Aspen Court, N.W. — vacate a portion (O 1483-04)	2047
Diemer Court N.E. — intention to vacate (R 1458-04)	2035
E. 156th Pl. N.E. — intention to vacate (R 1484-04)	2035
Side Ave. N.W. (width varies) — intention to vacate (R 1485-04)	2035

Tabled Legislation

Brookpark Road Rapid Station development — City's appointees — RTA Board of Trustees incorporate card check/neutrality language (R 544-02)	2020-T
Business Aircraft Center, Inc. — City Contract No. 32625 — Lease By Way of Concession — fixed base facility — Burke Lakefront Airport (O 1967-03)	2020-T
Cities for United Science Progress Program — grant — grant — United States Conference of Mayors (O 1487-04)	2020-T
Union Avenue, 11216 — Land Reutilization Program — Christ Temple Missionary Baptist Church (O 1065-2000)	2020-T

Utilities Department

Calcom Inc. — contracts — maintenance — existing security systems — Division of Water (O 1466-04)	2044
Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04)	2045
Emergency dispatch customer-based telephone communication system — purchase — Cleveland Public Power (O 1472-04)	2044
Karen O'Malley, Inc. dba as Harp Restaurant — lease of City-owned property — amend Ord. 2138-03 (O 1258-04)	2042
Landscaping and snow removal service — various locations — Cleveland Public Power (O 2009-04)	2013
Operating business assessment — future business strategy plan — professional consultants — Cleveland Public Power (O 2010-04)	2013
Simplex Grinnell LP — contracts — maintenance — fire alarms and detection systems — Division of Water (O 1470-04)	2044
Supervisory Control and Data Acquisition ("SCADA") System — procuring, constructing and installing — training, technical support and maintenance — Division of Water (O 417-04)	2036

Vehicles

On-road vehicles and off-road equipment — vehicles and boat rehabilitation — various divisions (O 1481-04)	2046
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Ward 01

Walls, Jr., Dr. James — congratulation (R 2048-04)	2012
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Ward 02

Candy, William — condolence (R 2046-04)	2012
Ferris Ave. — Land Reutilization Program — Mildred Johnson (O 1292-04)	2043
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04)	2053

Ward 03

Cleveland Church of Christ Economic Development, Inc. — Hamilton School Empowerment Program — NEF (O 1972-04)	2052
E. 131st St., 3595-97 — objection — withdraw — liquor permit (R 2025-04)	2018
E. 144th St., 3744 — transfer — liquor permit (F 2041-04)	2012
Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04)	2053
Kinsman Rd., 14101 — transfer — liquor permit (F 2042-04)	2012
Thea Bowman Center — Mt. Pleasant Community Orchestra program — amend Ord. 1205-04 — NEF (O 1976-04)	2053
Union Avenue, 11216 — Land Reutilization Program — Christ Temple Missionary Baptist Church (O 1065-2000)	2020-T

Ward 04

E. 116th St., 2892 — objection — withdraw — liquor permit (R 2024-04).....2017
 E. 89th St. — Land Reutilization Program — Blessed Hope Missionary Baptist Church
 (O 1512-04).....**2048**

Ward 05

E. 76th St. — Land Reutilization Program — Paulette Bryant (O 1676-04).....2020
 Netherlands Atlantic Association — recognition (R 2050-04).....2012
 Walls, Jr., Dr. James — congratulation (R 2048-04)2012

Ward 06

Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 NEF
 (O 1969-04).....**2051**
 Cornell Road Bridge — design engineering services — professional consultants
 (O 2011-04).....2014
 InterAct Cleveland for the InterAct Hunger Center program — agreement — amend Ord. No.
 1687-04 — NEF (O 2019-04).....2016
 Larchmere Blvd., 12102 — objection — new — liquor permit
 (R 1981-04)**2035**

Ward 07

E. 70th St. — Land Reutilization Program — Mildred Jeffries (O 1281-04).....**2043**
 Eberhardt, Phinida — condolence (R 2045-04)2012
 William T. Boyd Lodge #79 — congratulation (R 2047-04).....2012

Ward 08

Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8
 and 9 NEF (O 1971-04)**2052**
 Garrett Square Development Corporation — Glenville Titans Football Program — amend the
 contract — NEF (O 1977-04)**2053**
 Walls, Jr., Dr. James — congratulation (R 2048-04)2012

Ward 09

Ashbury Community Services, Inc. — Ashbury Senior Computer Community Center — Ward 8
 and 9 NEF (O 1971-04)**2052**
 Cleveland Art Theatre — Innovative After-School Program — Ward 6 and 9 NEF
 (O 1969-04).....**2051**
 Cornell Road Bridge — design engineering services — professional consultants
 (O 2011-04).....2014
 Forest Hills Parkway Empowerment Program — amend Ord. 584-04 — NEF
 (O 1968-04).....**2051**

Ward 10

Euclid St. Clair Development Corporation — feasibility study — promoting residential
 development — NEF (O 1985-04)**2054**
 Lee Cleaners — renovations — grant agreement — NEF (O 1986-04).....**2054**
 Smith Funeral Home — renovations — grant agreement — NEF
 (O 1987-04).....**2054**
 Walls, Jr., Dr. James — congratulation (R 2048-04)2012

Ward 11

Corsica Ave. — Land Reutilization Program — Northeast Shores Development Corporation
 (O 1515-04).....**2049**
 E. 156th Pl. N.E. — intention to vacate (R 1484-04)**2035**
 Lakeshore Blvd., 16300 — appropriate property — park and recreational purposes —
 repeal Res. No. 2254-02 (R 2018-04)2016

Ward 12

Olszewski, Frances — condolence (R 2044-04).....	2012
The Filter Factory, Inc. — Filter Factory Renovation Building Project — NEF (O 1973-04).....	2052

Ward 13

Carter Manor Apartments — 1012 Prospect Ave. — rehabilitation — contract — Carter Manor Apartments, L.P. (O 2012-04)	2014
Diemer Court N.E. — intention to vacate (R 1458-04).....	2035
Euclid Ave., 2121 — objection — liquor permit (R 1982-04)	2036
Karen O'Malley, Inc. dba as Harp Restaurant — lease of City-owned property — amend Ord. 2138-03 (O 1258-04)	2042
Kolbus America, Inc. — contract — acquisition of personal property, leasehold improvements — 812 Huron Rd. — relocate business (O 1493-04).....	2047
Netherlands Atlantic Association — recognition (R 2050-04).....	2012
St. Clair Superior Development Corporation's plan — town house community — 1030 E. 62nd St. (R 1980-04)	2035
West 9th Properties LLC, an affiliate of Marous Development — permit — public right-of-way — District Park Condominium project — 1240 W. 9th St. (O 1479-04).....	2045

Ward 14

Corning Ave. — Land Reutilization Program — Cleveland Housing Network, Inc. (O 1507-04).....	2020
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Ward 15

Old Brooklyn Community Dev. Corp. — Lower Big Creek Greenway Redevelopment and Restoration Plan — NEF (O 1970-04).....	2051
Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 NEF (O 1984-04).....	2054
Pratt, District Elder Gregory Alexander — congratulation (R 2049-04).....	2012

Ward 16

Biddulph Ave., 4817 — Land Reutilization Program — Ronald Ziegler (O 269-04)	2018
Old Brooklyn Neighborhood Services, Inc. — educational programming — amend Ord. No. 1867-04 — Ward 15 and 16 NEF (O 1984-04).....	2054

Ward 17

Aspen Court, N.W. — vacate a portion (O 1483-04)	2047
Battery Park development project — construction of a public road — W. 74th St. & Goodwalt Ave. (O 1526-04)	2020
Bridge Ave., 5726 — neighborhood park — Detroit Shoreway Community Development Organization — Council's support (R 2020-04).....	2017
Commission on Catholic Community Action — Social Service Resource Inventory Program — NEF (O 1975-04)	2052
Fenwick Ave. — Land Reutilization Program — Stockyard Redevelopment Organization (O 1517-04).....	2049
MarshAllan factory — W. 85th St. & Madison Ave. — residential housing — Detroit Shoreway Community Development Organization — Council's support (R 2021-04)	2017
Side Ave. N.W. (width varies) — intention to vacate (R 1485-04)	2035
The Tom Evert Dance Company — Hispanic Cultural and Arts Program — NEF (O 1974-04).....	2052
W. 48th St. — Land Reutilization Program — MGK Properties Ltd. (O 1518-04).....	2050

Ward 18

Lake Ave., 11623 & W. 116th St., 1227 — sale of City-owned property — amend Ord. No. 1304-04 (O 2023-04)2017

Lake Ave., 11623 & W. 116th St., 1227 — sell City-owned property — Marous Brothers Construction, Inc. — Option to Purchase Agreement (O 1304-04).....**2043**

Ward 19

Bellaire Rd. — Land Reutilization Program — Frank Torres (O 2022-04).....2016

Food Program for Needy Residents — amend Ord. No. 1784-04 — Ward 2, 3, and 19 NEF (O 1978-04).....**2053**

W. 117th St., 3349 — transfer — liquor permit (F 2040-04).....2012

Westside Industrial Retention and Expansion Network — Berea Road Business Redevelopment Plan — NEF (O 1967-04)**2051**

Ward 20

Triskett Rd., 14016 — transfer — objection — liquor permit (R 2026-04)2018

W. 130th St., 4677 — transfer — liquor permit (F 2043-04).....2012

Ward 21

Lorain Ave., 16800 — appropriate property — redevelopment (O 2014-04).....2014

West 176th Street, LLC — Kamms Shopping Plaza, LLC — Environmental Remediation Project — NEF (O 1979-04).....**2053**

Water Division

Calcom Inc. — contracts — maintenance — existing security systems (O 1466-04).....**2044**

Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04).....**2045**

Simplex Grinnell LP — contracts — maintenance — fire alarms and detection systems (O 1470-04).....**2044**

Supervisory Control and Data Acquisition (“SCADA”) System — procuring, constructing and installing — training, technical support and maintenance (O 417-04)**2036**

Water Pollution Control Division

Disposal of debris at landfills — purchase — Div. of Water, Cleveland Public Power, & Water Pollution Control (O 1474-04).....**2045**

Zoning Code

Penalties for misdemeanors, and penalties for zoning, housing, and building code violations — amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 (O 486-04)**2037**