

The City Record

Official Publication of the Council of the City of Cleveland



January the Seventh, 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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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840

First Assistant Clerk – Sandra Franklin

MAYOR – Jane L. Campbell

Debra M. Janik, Chief of Staff
David M. McGuirk, Executive Assistant
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant

_____, 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, Galen L. Schuerlein, Acting Chief Counsel, Rm. 106
Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;
Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street
Purchases and Supplies – Myrna Branche, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – Darnell Brown, Commissioner

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

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

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

DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards

Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

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

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

DEPT. OF PUBLIC SAFETY – James A. Draper, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Police – Edward F. Lohm, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Linda M. Hudecek, Director, 3rd Floor, City Hall

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman

Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L.

Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline

Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J.

Livingstone, Margot James Copeland.

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

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

William Morrison.

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

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

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

Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody,

Eugene Cranford, Jr., Secretary.

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

Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E.

P. O'Brien, Richard Pace, J.S. Sullivan.

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

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

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

Subodh Chandra; Councilman Martin J. Sweeney.

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

Director Michael G. Konicek; Council President Frank G. Jackson.

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

Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin,

Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

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

Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member

Nelson Cintron, Ed Romero.

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

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet 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

Baultknicht, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical

Inspector; Laszlo V. Kemes, Secretary to the Board.

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

Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V.

Kemes, Secretary to the Board.

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

Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris

Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert

Keiser, Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	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, JANUARY 7, 2004

No. 4700

CITY COUNCIL

MONDAY, JANUARY 5, 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, Scott, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 5, 2004

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

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

Also present were Chief of Staff Janik and Directors Konicek, Mok, Draper, Hudecek, Williams, Routen, Fumich, Taylor, Sims, Johnson, and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Missionary Bridgett Thomas of Riverside Church of God in Christ, located at 7115 Dearborn Avenue in Ward 17. Pledge of Allegiance.

MOTION

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

RECORDING OF VOTE OF ABSENT MEMBER

File No. 1-04.

MEMO

To: Valerie McCall,
Clerk of Council
From: Councilwoman Dona Brady,
Ward 19
Re: City Council Meeting

I wish to have my votes recorded in the affirmative on all pieces of legislation passed on Monday December 15, 2003 at the meeting of the Cleveland City Council.

Received.

RECORD OF VOTE

In accordance with the request of Council Member Brady and Rule 22 of the Rules of Council, the vote on the following ordinances and resolutions passed and adopted by Cleveland City Council on December 15, 2003 is changed as follows:

Ord. No. 2441-03.
Yeas 21. Nays 0.

Ord. No. 2442-03.
Yeas 21. Nays 0.

Ord. No. 2450-03.
Yeas 21. Nays 0.

Ord. No. 2451-03.
Yeas 21. Nays 0.

Ord. No. 2452-03.
Yeas 21. Nays 0.

Ord. No. 2453-03.
Yeas 21. Nays 0.

Ord. No. 2454-03.
Yeas 21. Nays 0.

Res. No. 2443-03.
Yeas 21. Nays 0.

Res. No. 2444-03.
Yeas 21. Nays 0.

Res. No. 2445-03.
Yeas 21. Nays 0.

Res. No. 2446-03.
Yeas 21. Nays 0.

Res. No. 2447-03.
Yeas 21. Nays 0.

Res. No. 2448-03.
Yeas 21. Nays 0.

Res. No. 2449-03.
Yeas 21. Nays 0.

Res. No. 2459-03. Yeas 21. Nays 0.	Ord. No. 2139-03. Yeas 20. Nays 0.	Ord. No. 2302-03. Yeas 20. Nays 0.
Res. No. 2460-03. Yeas 21. Nays 0.	Ord. No. 2140-03. Yeas 20. Nays 0.	Ord. No. 2304-03. Yeas 20. Nays 0.
Res. No. 2462-03. Yeas 21. Nays 0.	Ord. No. 2141-03. Yeas 20. Nays 0.	Ord. No. 2305-03. Yeas 20. Nays 0.
Res. No. 2463-03. Yeas 21. Nays 0.	Ord. No. 2150-03. Yeas 20. Nays 0.	Ord. No. 2306-03. Yeas 20. Nays 0.
Res. No. 2464-03. Yeas 21. Nays 0.	Ord. No. 2151-03. Yeas 20. Nays 0.	Ord. No. 2308-03. Yeas 20. Nays 0.
Res. No. 2466-03. Yeas 21. Nays 0.	Ord. No. 2153-03. Yeas 20. Nays 0.	Ord. No. 2309-03. Yeas 20. Nays 0.
Res. No. 2467-03. Yeas 21. Nays 0.	Ord. No. 2161-03. Yeas 20. Nays 0.	Ord. No. 2310-03. Yeas 20. Nays 0.
Ord. No. 369-99. Yeas 20. Nays 0.	Ord. No. 2175-03. Yeas 20. Nays 0.	Ord. No. 2311-03. Yeas 20. Nays 0.
Ord. No. 2028-02. Yeas 20. Nays 0.	Ord. No. 2186-03. Yeas 20. Nays 0.	Ord. No. 2312-03. Yeas 20. Nays 0.
Ord. No. 504-03. Yeas 20. Nays 0.	Ord. No. 2222-03. Yeas 20. Nays 0.	Ord. No. 2313-03. Yeas 20. Nays 0.
Ord. No. 1178-03. Yeas 20. Nays 0.	Ord. No. 2223-03. Yeas 20. Nays 0.	Ord. No. 2314-03. Yeas 20. Nays 0.
Ord. No. 1220-03. Yeas 20. Nays 0.	Ord. No. 2224-03. Yeas 20. Nays 0.	Ord. No. 2315-03. Yeas 20. Nays 0.
Ord. No. 1235-03. Yeas 20. Nays 0.	Ord. No. 2225-03. Yeas 20. Nays 0.	Ord. No. 2316-03. Yeas 20. Nays 0.
Ord. No. 1484-03. Yeas 20. Nays 0.	Ord. No. 2228-03. Yeas 20. Nays 0.	Ord. No. 2317-03. Yeas 20. Nays 0.
Ord. No. 1501-03. Yeas 20. Nays 0.	Ord. No. 2229-03. Yeas 20. Nays 0.	Ord. No. 2319-03. Yeas 20. Nays 0.
Ord. No. 1503-03. Yeas 20. Nays 0.	Ord. No. 2231-03. Yeas 20. Nays 0.	Ord. No. 2320-03. Yeas 20. Nays 0.
Ord. No. 1803-03. Yeas 20. Nays 0.	Ord. No. 2232-03. Yeas 20. Nays 0.	Ord. No. 2321-03. Yeas 20. Nays 0.
Ord. No. 1933-03. Yeas 20. Nays 0.	Ord. No. 2233-03. Yeas 20. Nays 0.	Ord. No. 2322-03. Yeas 20. Nays 0.
Ord. No. 1968-03. Yeas 20. Nays 0.	Ord. No. 2235-03. Yeas 20. Nays 0.	Ord. No. 2323-03. Yeas 20. Nays 0.
Ord. No. 2030-03. Yeas 20. Nays 0.	Ord. No. 2236-03. Yeas 20. Nays 0.	Ord. No. 2324-03. Yeas 20. Nays 0.
Ord. No. 2031-03. Yeas 20. Nays 0.	Ord. No. 2238-03. Yeas 20. Nays 0.	Ord. No. 2331-03. Yeas 20. Nays 0.
Ord. No. 2032-03. Yeas 20. Nays 0.	Ord. No. 2239-03. Yeas 20. Nays 0.	Ord. No. 2332-03. Yeas 20. Nays 0.
Ord. No. 2033-03. Yeas 20. Nays 0.	Ord. No. 2240-03. Yeas 20. Nays 0.	Ord. No. 2335-03. Yeas 20. Nays 0.
Ord. No. 2034-03. Yeas 20. Nays 0.	Ord. No. 2242-03. Yeas 20. Nays 0.	Ord. No. 2336-03. Yeas 20. Nays 0.
Ord. No. 2035-03. Yeas 20. Nays 0.	Ord. No. 2243-03. Yeas 20. Nays 0.	Ord. No. 2337-03. Yeas 20. Nays 0.
Ord. No. 2041-03. Yeas 20. Nays 0.	Ord. No. 2244-03. Yeas 20. Nays 0.	Ord. No. 2338-03. Yeas 20. Nays 0.
Ord. No. 2042-03. Yeas 20. Nays 0.	Ord. No. 2245-03. Yeas 20. Nays 0.	Ord. No. 2364-03. Yeas 20. Nays 0.
Ord. No. 2090-03. Yeas 20. Nays 0.	Ord. No. 2247-03. Yeas 20. Nays 0.	Ord. No. 2365-03. Yeas 20. Nays 0.
Ord. No. 2138-03. Yeas 20. Nays 0.	Ord. No. 2248-03. Yeas 20. Nays 0.	Ord. No. 2395-03. Yeas 20. Nays 0.

Ord. No. 2396-03.
Yeas 20. Nays 0.

Ord. No. 2397-03.
Yeas 20. Nays 0.

Ord. No. 2398-03.
Yeas 20. Nays 0.

Ord. No. 2399-03.
Yeas 20. Nays 0.

Ord. No. 2401-03.
Yeas 20. Nays 0.

Ord. No. 2402-03.
Yeas 20. Nays 0.

Ord. No. 2403-03.
Yeas 20. Nays 0.

Ord. No. 2406-03.
Yeas 20. Nays 0.

Ord. No. 2166-03.
Yeas 20. Nays 0.

Ord. No. 2167-03.
Yeas 20. Nays 0.

Ord. No. 2168-03.
Yeas 20. Nays 0.

Ord. No. 2169-03.
Yeas 20. Nays 0.

Ord. No. 2170-03.
Yeas 20. Nays 0.

Ord. No. 2171-03.
Yeas 20. Nays 0.

Ord. No. 2172-03.
Yeas 20. Nays 0.

Ord. No. 2173-03.
Yeas 20. Nays 0.

Ord. No. 2242-03.
Yeas 20. Nays 0.

Ord. No. 2250-03.
Yeas 20. Nays 0.

Ord. No. 2251-03.
Yeas 20. Nays 0.

Ord. No. 2252-03.
Yeas 20. Nays 0.

Res. No. 2147-03.
Yeas 20. Nays 0.

MAYOR'S APPOINTMENT COMMITTEE

File No. 22-04.

January 5, 2004

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Cleveland City Council's Appointment to the Cuyahoga Metropolitan Housing Authority Board.

We have before us the appointment to the Cuyahoga Metropolitan Housing Authority Board:

William H. Smith

(New Appointment — Term expires on February 1, 2007)

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

Mayor's Appointment Committee

Roosevelt Coats, Chair
Jay Westbrook
Zachary Reed
Nelson Cintron Jr.
Sabra Pierce Scott

Received.
Without objection Appointment approved. Yeas 20. Nays 0.

File No. 23-04.

January 5, 2004

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Cleveland City Council's Appointment to the Cuyahoga Metropolitan Housing Authority Board.

We have before us the appointment to the Cuyahoga Metropolitan Housing Authority Board:

Laurence E. Talley

(New Appointment — Term expires on February 1, 2007)

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

Mayor's Appointment Committee

Roosevelt Coats, Chair
Jay Westbrook
Zachary Reed
Nelson Cintron Jr.
Sabra Pierce Scott

Received.
Without objection Appointment approved. Yeas 20. Nays 0.

COMMUNICATIONS

File No. 24-04.

From Community Re-Entry Program — 2003 Annual Report, 30 Years of Doing Justice. Received.

File No. 25-04.

From the Rock and Roll Hall of Fame and Museum — Liner Notes, Winter 2004 issue. Received.

File No. 27-04.

From the Division of Purchases and Supplies re: Mayor's Emergency Requisitions/Purchase Orders — Replacement of Annex Building Fire Alarm System at the Cleveland House of Corrections — Department of Public Service. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 26-04.

Re: Stock Transfer Application — 6115132 — Mons Holdings LLC, d.b.a. Panini, 1290 West 6th Street, first floor and basement. (Ward 13). Received.

File No. 28-04.

Re: New Application — 01616470020 — American Cash, Inc., d.b.a. American Cash Exchange, d.b.a. American Cash Exchange, 4575 Northfield Road. (Ward 1). Received.

File No. 29-04.

Re: New Application — 90366580095 — James Travis, d.b.a. Travis Deli, 1407-11 East 105th Street, first floor. (Ward 9). Received.

File No. 30-04.

Re: Transfer of Ownership Application — 6277259 — NJD, Inc., d.b.a. Convenient Food Mart #3-061, 12520 Lorain Avenue. (Ward 19). Received.

File No. 31-04.

Re: Transfer of Ownership Application — 9555728 — Wexlers Restaurants, Inc., 4555 State Road. (Ward 16). Received.

File No. 32-04.

Re: Transfer of Ownership Application — 76402000015 — SFX Bogart LLC, d.b.a. The Odeon, 1295 Old River Road, first floor and garage. (Ward 13). Received.

File No. 33-04.

Re: Transfer of Ownership Application — 6381936 — Nic & Nic, Inc., d.b.a. Eddie J's Place, 17434-38 St. Clair Avenue. (Ward 11). Received.

File No. 34-04.

Re: Transfer of Ownership Application — 7311080 — Restaurant Associates, LLC, d.b.a. Severance Hall, 11001 Euclid Avenue and Patios. (Ward 9). Received.

File No. 35-04.

Re: Transfer of Ownership Application — 8871271 — 3022 W. 25th, Inc., d.b.a. Rite Shop Food Mart, 3022 West 25th Street (Ward 14). Received.

File No. 36-04.

Re: Transfer of Ownership Application — 6549242 — 14053 Lorain Avenue, Inc., d.b.a. Rite Shop Food Mart, 14053 Lorain Avenue. (Ward 21). Received.

File No. 37-04.

Re: Transfer of Ownership Application — 5139868 — Les Dennison Beverage, Inc., d.b.a. Les Dennison Beverage, 1st floor north portion of building, 5915 Denison Avenue. (Ward 15). Received.

File No. 38-04.

Re: Transfer of Location Application — 96245450002 — Williams & Williams Enterprises, Inc., d.b.a. Chester Place, 18318 Euclid Avenue. (Ward 10). Received.

File No. 39-04.

Re: Transfer of Ownership and Location Application — 86889050005 — Summer Deli Corp, Inc., d.b.a. Old Brooklyn Food Market, 4785 Pearl Road. (Ward 16). Received.

File No. 40-04.

Re: Transfer of Ownership and Location Application — 6531039 — Olde Angle Tavern, Inc., 1848 West 25th Street. (Ward 13). Received.

File No. 41-04.

Re: Stock Transfer Application — 6529025 — Old Dutch Tavern, Inc., 3604 Superior Avenue, first floor and basement. (Ward 13). Received.

File No. 42-04.

Re: Stock Transfer Application — 44198790001 — K. & K. Portage Market, Inc., 3364-A Warren Road. (Ward 21). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 46-04—Susie White.

Res. No. 47-04—Annie Melia Walker.

Res. No. 48-04—Dorothy Mae Hiley.

Res. No. 49-04—Randolph Alexander Davis.

Res. No. 50-04—Ruby Mae Barkley.

Res. No. 51-04 — Mattiedna Johnson.

Res. No. 52-04 — Darlene Danielle Hodge.

Res. No. 53-04 — Anna Margaret Van Horn.

Res. No. 54-04—Thomas F. Campbell.

Res. No. 55-04 — Matilda (Tillie) Marzlikar.

Res. No. 56-04—Mladen Dedic.

Res. No. 57-04 — James Franklin Gribb.

Res. No. 58-04—Edith Greco.

Res. No. 59-04—Nora Bambino.

Res. No. 60-04—Robert Durrah.

Res. No. 61-04—Anna Maria.

CONGRATULATION RESOLUTION

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

Res. No. 62-04—Village of Newburgh Heights.

RECOGNITION RESOLUTIONS

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

Res. No. 63-04—"Lost City".

Res. No. 64-04 — Anton Gogala, Consul General of the Republic of Slovenia.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 2-04.**

By Council Member Brady (by request).

An emergency ordinance to vacate a portion of Oliver Road, S.W. hereinafter described.

Whereas, on May 13, 2002, the Council of the City of Cleveland adopted Resolution No. 230-02 declaring its intention to vacate a portion of Oliver Road S.W., hereinafter described; and

Whereas, notice of the adoption of the above Resolution No. 230-02 has been served upon the owners of all the property abutting Oliver Road S.W. affected by the Resolution, notifying the property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 24th day of June, 2003, the Board of Revision of Assessments approved the vacation

of Oliver Road S.W., hereinafter described, in accordance with 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 Oliver Road S.W., hereinafter described and that it will not be detrimental to the general interest and 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 all that portion of 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 the Northeasterly 10.00 feet by rectangular measurement of Oliver Road S.W. (50.00 feet wide) extending Southeasterly from the Southerly line of Jasper Avenue S.W. (60.00 feet wide), to its intersection with the Westerly line of a parcel of land conveyed to Leonard N. & M.J. Andreasik by deed recorded in Volume 41330, Page 66 of Cuyahoga County Records.

Section 2. That the Clerk of Council is directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Oliver Road S.W., herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 3-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various equipment for the Division of Fire, Department of Public Safety.

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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of hoses, nozzles, fittings, various emergency medical equipment, various types of small, safety, and rescue equipment, thermal imaging cameras, various types of appliances, an accountability system, and a records management system, including hardware, software, and peripherals, 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 Fire, Department of Public Safety. 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 133738)

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

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

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

Ord. No. 4-04.

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

An emergency ordinance determining to proceed to provide additional security for the Cleveland Theater District, cleaning and maintaining the public rights-of-way and Star Plaza within the District and collective marketing in the District in the City of Cleveland; adopting the assessments; and levying the assessments.

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 it is determined to proceed to provide additional security for the Cleveland Theater District, clean and maintain the public rights-of-way and Star Plaza within the District and collectively market the District (collectively, "District Services") in the Cleveland Theater District as established in Resolution No. 2094-03, adopted November 24, 2003 ("the Resolution of Necessity").

Section 2. That the District Services shall be performed under the provisions of the Resolution of Necessity, and consistent with the plans, specifications, profiles, and

estimates previously approved and filed in the office of the Clerk of Council.

Section 3. That all claims for damages resulting from the District Services that have been filed under law shall be judicially inquired into after completion of the District Services.

Section 4. That it is further determined that the cost of the District Services to be assessed against benefited property shall be assessed in the amount, manner, and number of installments as provided for in the Resolution of Necessity.

Section 5. That the list of assessments for the cost of the District Services reported to this Council and now on file in the office of the Clerk of Council, and aggregating \$1,600,000 are adopted and confirmed as final assessments.

Section 6. That the several amounts of the final assessments are assessed and levied on the lots and lands benefited and to be charged therewith in the Cleveland Theater District, as described in the Resolution of Necessity, are calculated using the 2003 real property valuations as determined by the County Auditor and certified by the State of Ohio as of the date of introduction of this ordinance. No subsequent change in any such valuation will be considered in making this calculation.

Section 7. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 8. That the Clerk of Council is directed to continue to file in her office a list of the assessments and the description of the lots and lands.

Section 9. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City within thirty (30) days after the passage of this ordinance. The second through fifth annual installments shall be payable in cash within thirty (30) days after each of the next four anniversaries of the date of passage of this ordinance. All assessments and installments which have not been paid at the expiration of the respective thirty (30) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 10. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 11. That the Clerk of this Council is directed to cause notice of the levy of the assessments to be filed with the County Auditor within twenty (20) days following the passage of this ordinance.

Section 12. That the Clerk of Council is directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

Section 13. That it is found and determined that all formal actions

of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 5-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 78th Street to Clifford Pitts, Jr. and Dorothy Pitts.

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). 106-20-077, 106-20-078 and 106-20-079, as more fully described below, to Clifford Pitts, Jr. and Dorothy Pitts.

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

P. P. No. 106-20-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 35 feet front and rear of Sublot No. 17 Buckley and Holden's Subdivision of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 7 of Maps, Page 9 of Cuyahoga County Records and being 35 feet front on the Easterly side of Princeton Street (now known as East 81st Street), and 143 feet deep on the Southerly line, about 144 feet 11 inches deep on the Northerly line and 35 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-20-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25 feet front to rear of Sublot No. 10 in Mary E. and S.K. Davis' Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 39 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 81st Street (formerly Princeton Street), and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 106-20-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet front to rear of Sublot No. 10 in the M.E. and S.E. Davis Allotment of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 5 of Maps, Page 39 of Cuyahoga County Records, and being 25 feet front on the Easterly side of East 81st Street, and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

In the deed from Mary E. Paine and James H. Paine, to James A. Hambleton, dated October 12, 1904, filed for record October 14, 1904, and recorded in Volume 941, Page 464 of Cuyahoga County Records, conveying premises next north of premises in Schedule A, and in the deed from Mary E. Paine and James H. Paine, to John Sweeney, dated January 9, 1905, filed for record January 13, 1905 and recorded in Volume 952, Page 441 of Cuyahoga County Records, conveying premises in Schedule A, the following appears: "Subject to a common driveway 10 feet in width extending back through the center of said Sublot No. 10, 75 feet from the front hereof."

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 inter-

ests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 6-04.

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

An emergency ordinance authorizing the Director of the City Planning Commission to enter into an amendment to Contract No. 55936 with Omni Media Cleveland, Inc. to change the terms of the agreement.

Whereas, Ordinance No. 1143-99, passed on April 12, 1999, authorized the Mayor to enter into an Agreement for the design, construction, installation and maintenance of a network of kiosks providing directional and other information to be located throughout the City; and

Whereas, Omni Media Cleveland, Inc. has developed, designed, constructed, and installed, and is maintaining a network of directional and informational kiosks in the City; and

Whereas, based on experience with the kiosk program, amendments to the Agreement with Omni Media Cleveland, Inc. are necessary; and

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

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

Section 1. The Secretary of the City Planning Commission is authorized to enter to an amendment to the Agreement by and Between the City of Cleveland and Omni Media Cleveland, Inc., Contract No. 55936, to change the requirements for the lighting of the kiosks, to amend the installation timetable, to allow alternative security for maintenance, to clarify the authority of the Secretary of the City Planning Commission and to make other changes as the Law Director deems necessary to protect the interests of the City. All other terms and conditions of Contract No. 55936 shall remain the same.

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

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

Ord. No. 7-04.

By Council Member Brady.

An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Brooklyn regarding uses and districts across common boundaries when applying zoning laws.

Whereas, in certain instances, the Zoning Code of the Codified Ordinances of Cleveland, Ohio, 1976, requires a separation of use districts, lots or uses by a specified distance; and

Whereas, pursuant to Codified Ordinance Section 331.04, the calculation and application of distance requirements shall consider uses and districts across the City's boundary if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary; and

Whereas, the City of Cleveland and the City of Brooklyn share a common boundary; 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 City Planning is hereby authorized and directed to enter into an agreement with the City of Brooklyn whereby Cleveland and the City of Brooklyn will consider uses and districts across the common boundary when applying the zoning laws of each City which may have separation requirements.

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

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

Ord. No. 43-04.

By Council Member Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Cuyahoga Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood.

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 Nos. 004-17-048, 004-17-049, 004-17-052, 004-17-053 and 004-17-054, as more fully described below, to Cuyahoga Metropolitan Housing Authority for new construction as part of its Valley View Hope VI Revitalization Plan in the Tremont Neighborhood

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

P. P. No. 004-17-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 130 feet of the Northerly one half of Sublot No. 152 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 130 feet deep, as appears by said plat, be the same more or less but subject to all legal highways.

P. P. No. 004-17-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northeasterly 130 feet of the Southeasterly half of Sublot No. 152 in William Slade, Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 004-17-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Starkweather Avenue, S.W. at its intersection with the Southwesterly line of Thurman Street, S.W. which beginning point is also the Southeasterly corner of said Sublot No. 151; thence Northwesterly along the Southwesterly line of Thurman Street, S.W. to the most Northerly corner of said Sublot No. 151; thence Southwesterly along the Northwesterly line of said Sublot No. 151, a distance of 36 feet to the most Northerly corner of a parcel of land conveyed to Christian Karkoff by deed dated January 20, 1875, and recorded in Volume 238, Page 460 of Cuyahoga County Records; thence Southeasterly parallel with the Southwesterly line of Thurman Street, S.W. and along the Easterly line of said parcel of land conveyed to Christian Karkoff to the Northerly line of Starkweather Avenue, S.W.; thence Easterly along the

Northerly line of Starkweather Avenue, S.W. to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 004-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northerly line of Starkweather Avenue, S.W., at the Southeasterly corner of a parcel of land conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, by deed dated June 7, 1923, and recorded in Volume 2806, Page 606 of Cuyahoga County Records; thence Easterly along the Northerly line of said Starkweather Avenue, S.W., to the Southwesterly corner of a parcel of land conveyed to Alex Rusnyk and Julie Rusnyk, by deed dated July 11, 1912, and recorded in Volume 1398, Page 417 of Cuyahoga County Records; thence Northwesterly along the Southwesterly line of said parcel so conveyed to Alex Rusnyk and Julia Rusnyk, about 71.84 feet to the most Westerly corner of said parcel and the Northwesterly line of the property of John Ripich and Elizabeth Ripich, as established by Court Decree in Common Pleas Court Case No. 109020; thence Southwesterly along said Northwesterly line, as decreed to the most Northerly corner of the parcel conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, aforesaid; thence Southerly along the Easterly line of said parcel so conveyed to Wincenty Izyderczyk and Wladyslawa Izyderczyk, 32.54 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 004-17-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 151 in the William Slade Jr. Subdivision of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Northerly line of Starkweather Avenue, S.W., distant Westerly 164.29 feet from the intersection of said Northerly line of Starkweather Avenue, S.W., with the Westerly line of Thurman Street, S.W., said beginning point being at the intersection of the Northerly line of Starkweather Avenue, S.W., with the old fence line separating premises of John and Elizabeth Ripich from premises of Tom Maichrycz and Mary Maichrycz; thence Easterly along the Northwesterly line of premises of John and Elizabeth Ripich, as said line was established by Decree of Common Pleas Court of Case Tom Maichrycz and Mary Maichrycz against John Ripich and Elizabeth Ripich, said case being No. 109020 in the Court of Common Pleas of Cuyahoga County, Ohio 54.05 feet; thence Southerly along a line drawn at right angles with the Northerly line

of Starkweather Avenue, S.W., 32.54 feet to the Northerly line of Starkweather Avenue, S.W., thence Westerly along the Northerly line of Starkweather Avenue, S.W. 43.15 feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 44-04.

By Council Member Brady.
An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Lakewood regarding uses and districts across common boundaries when applying zoning laws.

Whereas, in certain instances, the Zoning Code of the Codified Ordinances of Cleveland, Ohio, 1976, requires a separation of use districts, lots or uses by a specified distance; and

Whereas, pursuant to Codified Ordinance Section 331.04, the calculation and application of distance requirements shall consider uses and districts across the City's boundary if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary; and

Whereas, the City of Cleveland and the City of Lakewood share a common boundary; 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 City Planning is hereby authorized and directed to enter into an agreement with the City of Lakewood whereby Cleveland and the City of Lakewood will consider uses and districts across the common boundary when applying the zoning laws of each City which may have separation requirements.

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

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

Ord. No. 45-04.

By Council Member Brady.
An emergency ordinance authorizing and directing the Director of City Planning to enter into an agreement with the City of Linndale regarding uses and districts across common boundaries when applying zoning laws.

Whereas, in certain instances, the Zoning Code of the Codified Ordinances of Cleveland, Ohio, 1976, requires a separation of use districts, lots or uses by a specified distance; and

Whereas, pursuant to Codified Ordinance Section 331.04, the calculation and application of distance requirements shall consider uses and districts across the City's boundary if the City and bordering jurisdiction have entered into an agreement whereby each will consider uses and districts across the common boundary; and

Whereas, the City of Cleveland and the City of Linndale share a common boundary; 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 City Planning is hereby authorized and directed to enter into an agreement with the City of Linndale whereby Cleveland and the City of Linndale will consider uses and districts across the common boundary when applying the zoning laws of each City which may have separation requirements.

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 8-04.

By Council Member Reed.

An ordinance to change the zoning of properties north of Kinsman Road from East 152nd Street to East 153rd Street from a Local Retail Business Use District to an RA-2 Townhouse Use District (Map Change No. 2109, Sheet No. 10).

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

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

Beginning at the Centerline of East 152nd Street (50 feet wide) at its Intersection with the Centerline of Kinsman Road (66 feet wide);

Thence Northerly along said Centerline of East 152nd Street to its Intersection with the Westerly prolongation of the Southerly line of a parcel of land Conveyed to Alfredo Gonzalez, by Instrument dated January 25, 1999 and recorded by A.F.N. 199901250598 in the Cuyahoga County Records and also known as being Permanent Parcel Number 130-19-026;

Thence Easterly along the Westerly prolongation and Southerly line of said P.P.N. 130-19-026 to its Intersection with the Westerly line of Sublot No. 147 of the Van Sweringen Company Subdivision No. 19 as shown in the recorded plat in Volume 55, Page 34 of the Cuyahoga County records;

Thence Northerly along the Westerly line of said Sublot No. 147 to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 147 to the Northeasterly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 147 to a point 67 feet from said Northeasterly corner;

Thence Easterly at right angles to the last described line 91.69 feet to the Centerline of East 153rd Street (50 feet wide);

Thence Southerly along said Centerline of East 153rd Street to its Intersection with the Centerline of Kinsman Road, aforesaid;

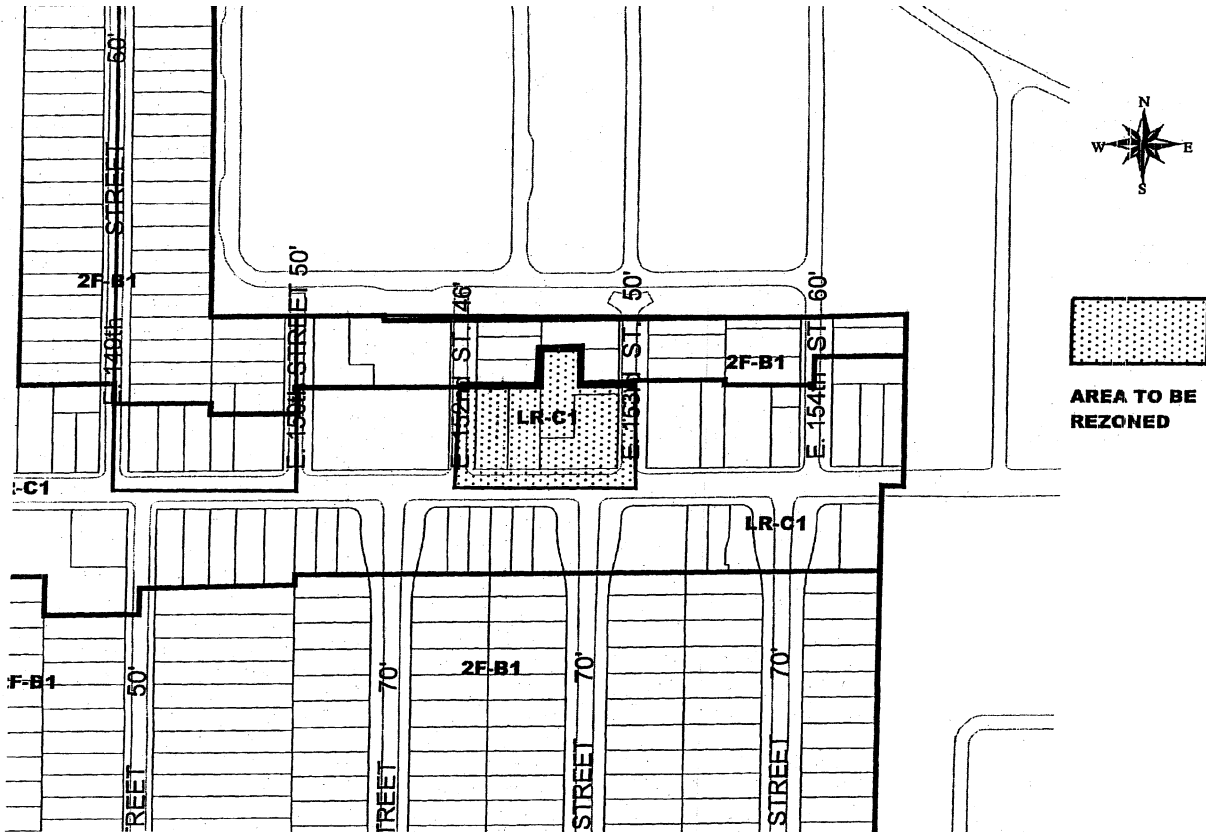
Thence Westerly along said Centerline of Kinsman Road to the place of beginning,

and as outlined and shaded on the attached map is changed to an RA-2 Townhouse Use District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2109 Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Proposed rezoning of properties north of Kinsman Road between East 152nd and East 153rd Streets from a Local Retail Business Use District to an RA-2 Townhouse Use District (Map Change No. 2109, Sheet No. 10).



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

Ord. No. 9-04.

By Council Member Reed.

An ordinance to change the zoning of properties north of Kinsman Road between East 132nd and East 134th Streets from a Local Retail Business Use District and a Two-Family Residential Use District to a Multi-Family Residential Use District; from a "B" Area District to a "C" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2106, Sheet No. 10).

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

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

Beginning at the Centerline of East 132nd Street (50 feet wide) at its Intersection with the Centerline of Kinsman Road (66 feet wide);

Thence Northerly along said Centerline of East 132nd Street to its Intersection with the Centerline of Gabriel Court (20 feet wide);

Thence Easterly along said Centerline of Gabriel Court to its Intersection with the Northerly prolongation of the Westerly line of Sublot No. 99 of the Kinsman Heights Subdivision, as shown by the recorded plat in Volume 44, Page 26 of the Cuyahoga County Records;

Thence Southerly along the Northerly prolongation of the Westerly line of said Sublot No. 99 and along the Westerly line of Sublot No. 98 of said Subdivision to the Southwesterly corner therein;

Thence Easterly along the Southerly line of said Sublot No. 98 to its Intersection with the Easterly line of Sublot No. 96 of said Subdivision;

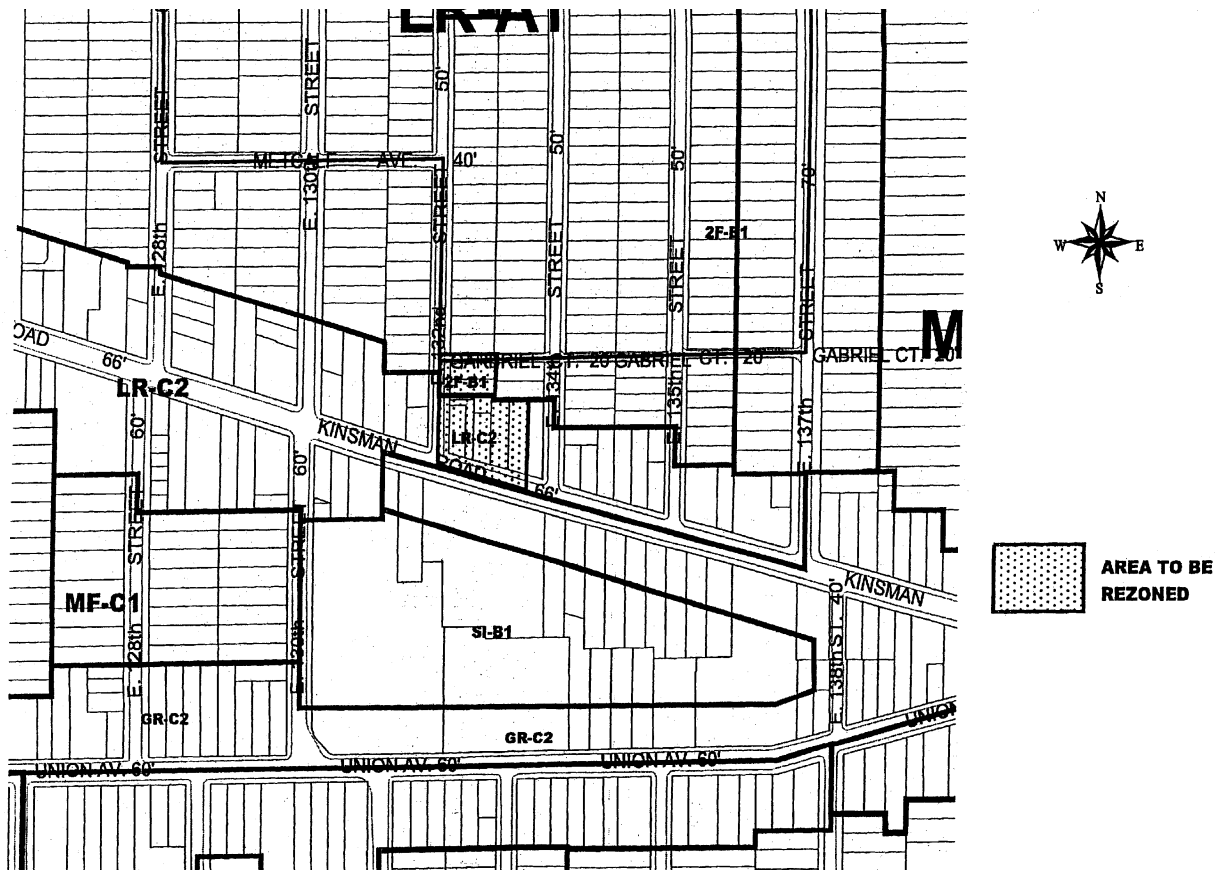
Thence Southerly along the Easterly line of said Sublot No. 96 and its Southerly prolongation to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Westerly along said Centerline of Kinsman Road to Place of Beginning, and as outlined and shaded on the attached map is changed to a Multi-Family Residential Use District, a "C" Area District, and to a "1" Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2106, Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Proposed rezoning of properties north of Kinsman Road between East 132nd Street and East 134th Street from a Local Retail Business Use District and a Two-Family Residential Use District to a Multi-Family Residential Use District; from a "B" Area District to a "C" Area District and from a "2" Height District to a "1" Height District (Map Change No. 2106, Sheet No. 10).



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

Ord. No. 10-04.**By Council Member Reed.**

An ordinance to change the zoning of properties along Kinsman Road and Union Avenue from East 130th Street to East 139th Street from a Local Retail Business Use District, General Retail Business Use District, and Semi-Industry Use District to a Residence-Office Use District; from a "C" Area District to a "B" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2108, Sheet No. 10).

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

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

Beginning on the Centerline of East 130th Street (60 feet wide) at its Intersection with the Centerline of Union Avenue (60 feet wide);

Thence Northerly along the Centerline of said East 130th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 256 of the Walton Bros. Mt. Pleasant Allotment, as shown by the recorded plat in Volume 14, Page 6 of the Cuyahoga County Records;

Thence Easterly along said Westerly prolongation and Southerly line to a point in the Westerly line of Sublot No. 4 in the Kinsman Heights Allotment, as shown by the recorded plat in Volume 44, Page 26 of the Cuyahoga County Records;

Thence Southerly along the Westerly line of said Sublot No. 4 and Sublot No. 3 of said Subdivision to the Southwesterly corner thereof;

Thence Easterly along the Southerly line and Easterly prolongation of said Sublot No. 3 to its Intersection with the Centerline of East 132nd Street (50 feet wide);

Thence Southerly along said Centerline of East 132nd Street to its Intersection with the Centerline of Kinsman Road (66 feet wide);

Thence Easterly along the Centerline of said Kinsman Road to its Intersection with the Centerline of East 134th Street (50 feet wide);

Thence Northerly along said Centerline of East 134th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 189 of the Kinsman Heights Allotment, aforesaid;

Thence Easterly along the Westerly prolongation and Southerly line of said Sublot No. 189 and the Southerly line and Easterly prolongation of Sublot No. 196 of said Subdivision to its Intersection with the Centerline of East 135th Street (50 feet wide);

Thence Southerly along said Centerline of said East 135th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 291 of said Subdivision;

Thence Easterly along the Westerly prolongation and Southerly line of said Sublot No. 291 to a point in the Westerly line of Sublot No. 4 of the Kinsman Development Company Mt. Pleasant Subdivision, as shown by the recorded plat in Volume 45, Page 6 of the Cuyahoga County Records;

Thence Southerly along the Westerly line of said Sublot No. 4 to the Southeasterly corner thereof;

Thence Easterly along the Southerly line and Easterly prolongation of said Sublot No. 4 to its Intersection with the Centerline of East 137th Street (70 feet wide);

Thence Northerly along said Centerline of East 137th Street to its Intersection with the Westerly prolongation of the Northerly line of Parcel "A" in the Mt. Pleasant Now Development Corp. parcel split and lot consolidation as shown by the recorded plat in Volume 318 Page 59 of the Cuyahoga County Records;

Thence Easterly along the Westerly prolongation and the irregular Northerly line of said parcel "A" and its Easterly prolongation to the Centerline of East 139th Street (50 feet wide)

Thence Southerly along said Centerline of East 139th Street to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Northwesterly along said Centerline of Kinsman Road to its Intersection with the Northerly prolongation of the Westerly line of a parcel of land conveyed to Hanini Properties, LLC, by Instrument dated April 19, 2002, recorded by A.F.N. 200204190399, and also known as P.P.N. 130-12-035;

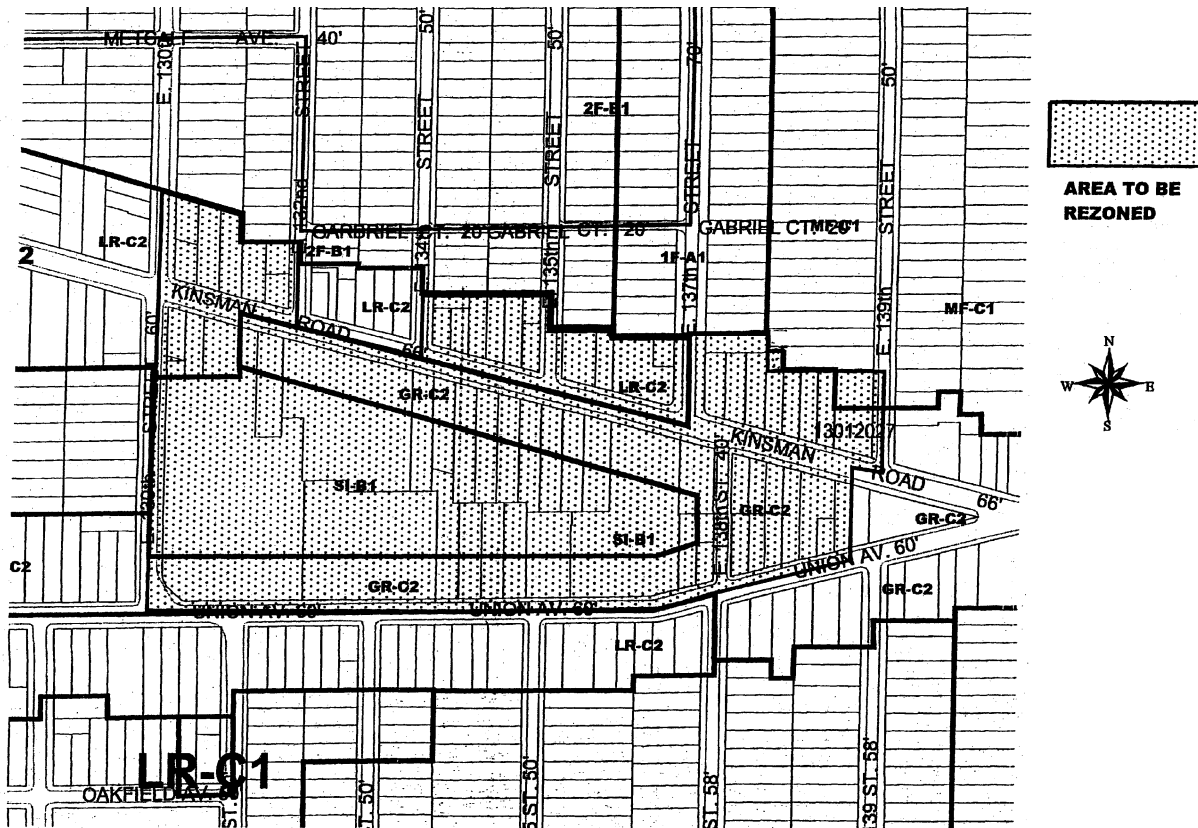
Thence Southerly along said Northerly prolongation, Westerly line and Southerly prolongation of said P.P.N. 130-12-035 to its Intersection with the Centerline of Union Avenue, aforesaid;

Thence Southwesterly and Westerly along said Centerline of Union Avenue to place of beginning, and as outlined and shaded on the attached map is changed to a Residence-Office Use District, a "B" Area District, and a "1" Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2108 Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Proposed rezoning of properties along Kinsman Road and Union Avenue from East 130th Street to East 139th Street from a Local Retail Business Use District, General Retail Business Use District, and Semi-Industry Use District to a Residence-Office Use District; from a "C" Area District to a "B" Area District; and from a "2" Height District to a "1" Height District (Map Change No. 2108, Sheet No. 10)



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

Ord. No. 11-04.

By Council Members Reed and Johnson.

An ordinance to change the zoning of properties along Kinsman Road between East 137th and East 146th Streets from a General Retail Business Use District to a Local Retail Business Use District and from a "2" Height District to a "1" Height District (Map Change No. 2107, Sheet No. 10).

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

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

Beginning on the Centerline of East 139th Street (50 feet wide) at its Intersection with the Centerline of Kinsman Road (66 feet wide);

Thence Northerly along the Centerline of said East 139th Street to its Intersection with the Westerly prolongation of the Southerly line of a parcel of land conveyed to Mt. Pleasant Now Corp. by Instrument dated June 30, 2000, A.F.N. 200006300684 and also known as P.P.N. 130-12-089;

Thence Easterly along said Westerly prolongation and Southerly line to a point in the Westerly line of Sublot No. 73 in the proposed Behm Subdivision;

Thence Northerly along the Westerly line of said Sublot No. 73 to the Northwestern corner therein;

Thence Easterly along the Northerly line of said Sublot No. 73 to the Northeast corner therein;

Thence Southerly along the Easterly line of said Sublot No. 73 to its Intersection with the Northerly line of Sublot No. 3 of the proposed Behm Subdivision, aforesaid;

Thence Easterly along the Northerly line of said Sublot No. 3 to the Northeast corner therein;

Thence Southerly along the Easterly line of said Sublot No. 3 to its Intersection with the Northerly line of Sublot No. 2 of said proposed Behm Subdivision;

Thence Easterly along the Northerly lines of Sublot Nos. 2 and 1 and the Easterly prolongation of the Northerly line of Sublot No. 1 of said proposed Behm Subdivision to its Intersection with the Centerline of East 140th Street (60 feet wide);

Thence Southerly along said Centerline of East 140th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 122 of the Rapid Transit Land Co's. Shaker Overlook Subdivision No. 5 as shown by the recorded plat in Volume 72, Page 15 of the Cuyahoga County Records;

Thence Easterly along the Westerly prolongation and Southerly lines of said Sublot No. 122 and Sublot No. 115 of said Subdivision, and continuing across East 142nd Street (70 feet wide), and along the Southerly line of Sublot No. 4 of said Subdivision to the Southeast corner therein;

Thence Northerly along the Westerly line of the Kinner Heights Allotment as shown by the recorded plat in Volume 43, Page 5 of the Cuyahoga County Records to its Intersection with the Northerly line of Sublot No. 7 of said Kinner Heights Allotment;

Thence Easterly along the Northerly line and Easterly prolongation of said Sublot No. 7 to its Intersection with the Centerline of East 143rd Street (45 feet wide);

Thence Southerly along said Centerline of East 143rd Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 131 in the Kinner Heights Allotment as aforesaid;

Thence Easterly along the Westerly prolongation and Southerly line of said Sublot No. 131 to the Southeasterly corner therein;

Thence Northerly along the Easterly lines of Sublot Nos. 131, 130 and 129 to its Intersection with the Southerly line of a parcel of land conveyed to First Merit Bank by Instrument dated December 26, 2001, A.F.N. 200112260455 and also known as P.P.N. 130-13-011;

Thence Easterly along the Southerly line of said P.P.N. 130-13-011 to its intersection with the Westerly line of the Shaker View Allotment as shown by the recorded plat in Volume 53, Page 34 of the Cuyahoga County Records;

Thence Northerly along the Westerly line of said Allotment to its Intersection with the Southerly line of Sublot No. 74 of said Allotment;

Thence Easterly along the Southerly line of said Sublot No. 74 to its Intersection with the Easterly line of a parcel of land conveyed to Moran Foods Co., by Instrument dated December 16, 1999, A.F.N. 199912160037, and also known as P.P.N. 130-13-012;

Thence Southerly along the Easterly line of said P.P.N. 130-13-012 to its Intersection with the Northerly line of a parcel of land conveyed to Rickey Smith by Instrument dated March 13, 2003, A.F.N. 200303130006 and also known as P.P.N. 130-13-015;

Thence Easterly along the Northerly line and Easterly prolongation of said P.P.N. 130-13-015 to its Intersection with the Centerline of East 145th Street (50 feet wide);

Thence Southerly along said Centerline of East 145th Street to its Intersection with the Westerly prolongation of the Southerly line of Sublot No. 3 of the Shaker View Allotment, aforesaid;

Thence Easterly along the Westerly prolongation and Southerly line of said Sublot No. 3 to the Southeasterly corner therein;

Thence Southerly along the Easterly line and Southerly prolongation of said Shaker View Allotment to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Westerly along the Centerline of said Kinsman Road to its Intersection with the Centerline of East 143rd Street, aforesaid;

Thence Southerly along said Centerline of East 143rd Street to its Intersection with the Easterly prolongation of the Northerly line of Sublot No. 6 of the Kinner Allotment as shown by the recorded plat in Volume 33, Page 9 of the Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and Northerly line of said Sublot No. 6 to its Intersection with the Easterly line of the proposed Kinner Addition;

Thence Northerly along said Easterly line to its Intersection with the Southerly line of a parcel of land conveyed to Tesco Builders, Inc. by Instrument dated October 23, 1998, recorded in Volume 13771, Page 24 of the Cuyahoga County Records and also known as P.P.N. 139-01-113;

Thence Westerly along the Southerly line and Westerly prolongation of said P.P.N. 139-01-113 to its Intersection with the Centerline of East 142nd Street (60 feet wide);

Thence Southerly along said Centerline of East 142nd Street to its Intersection with the Easterly prolongation of the Southerly line of Sublot No. 4 of the Normile Zoul & Zverina Subdivision as shown by the recorded plat in Volume 41, Page 11 of the Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and Southerly line of said Sublot No. 4 to its Intersection with the Northerly prolongation of the Easterly line of the Bartlett Homestead Subdivision No. 1 as shown by the recorded plat in Volume 46, Page 14 of the Cuyahoga County Records;

Thence Northerly along the Northerly prolongation of the Easterly line of said Bartlett Homestead Subdivision No. 1 to its Intersection with the Southerly line of a parcel of land conveyed to Ukin Realty Co. by Instrument dated August 9, 1994 and recorded in Volume 7639, Page 28 of the Cuyahoga County Records, and also known as P.P.N. 139-01-002;

Thence Westerly along the Southerly line and Easterly prolongation of said P.P.N. 139-01-002 to its Intersection with the Centerline of East 140th Street (58 feet wide);

Thence Southerly along said Centerline of East 140th Street to its Intersection with the Easterly prolongation of the Northerly line of Sublot No. 1 of the Pleasant View Allotment No. 3 as shown by the recorded plat in Volume 42, Page 16 of the Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and Northerly line of said Sublot No. 1 to the Northwesterly corner therein

Thence Southerly along the Westerly line of Sublot No. 1 of said Pleasant View Allotment No. 3 to its Intersection with the Northerly line of Block G of the Pleasant View Allotment No. 4 as shown by the recorded plat in Volume 63, Page 5 of the Cuyahoga County Records;

Thence Westerly along the Northerly line and Westerly prolongation of said Block G to its Intersection with the Centerline of East 139th Street (58 feet wide);

Thence Southerly along said Centerline of East 139th Street to its Intersection with the Easterly prolongation of a line which is parallel and distant Northerly 30 feet by rectangular measurement with the Northerly line of Sublot No. 48 of the Pleasant View Allotment as shown by the recorded plat in Volume 31, Page 28 of the Cuyahoga County Records;

Thence Westerly along the last described line to its Intersection with the Easterly line of Sublot No. 3 of said Pleasant View Allotment;

Thence Southerly along the Easterly line of said Sublot No. 3 to the Southeasterly corner therein;

Thence Westerly along the Southerly line of said Sublot No. 3 to the Southwesterly corner therein;

Thence Northerly along the Westerly line of said Sublot No. 3 to its Intersection with the Westerly prolongation of the Northerly line of Sublot No. 48 of said Pleasant View Allotment;

Thence Westerly along the Westerly prolongation of the Northerly line of said Sublot No. 48 to its Intersection with the Centerline of East 138th Street (58 feet wide);

Thence Northerly along said Centerline of East 138th Street to its Intersection with the Centerline of Union Avenue (60 feet wide);

Thence Northeasterly along said Centerline of Union Avenue to its Intersection with the Southerly prolongation of the Westerly line of a parcel of land conveyed to Hanini Properties, LLC, by Instrument dated April 19, 2002, A.F.N. 200204190399, and also known as P.P.N. 130-12-035;

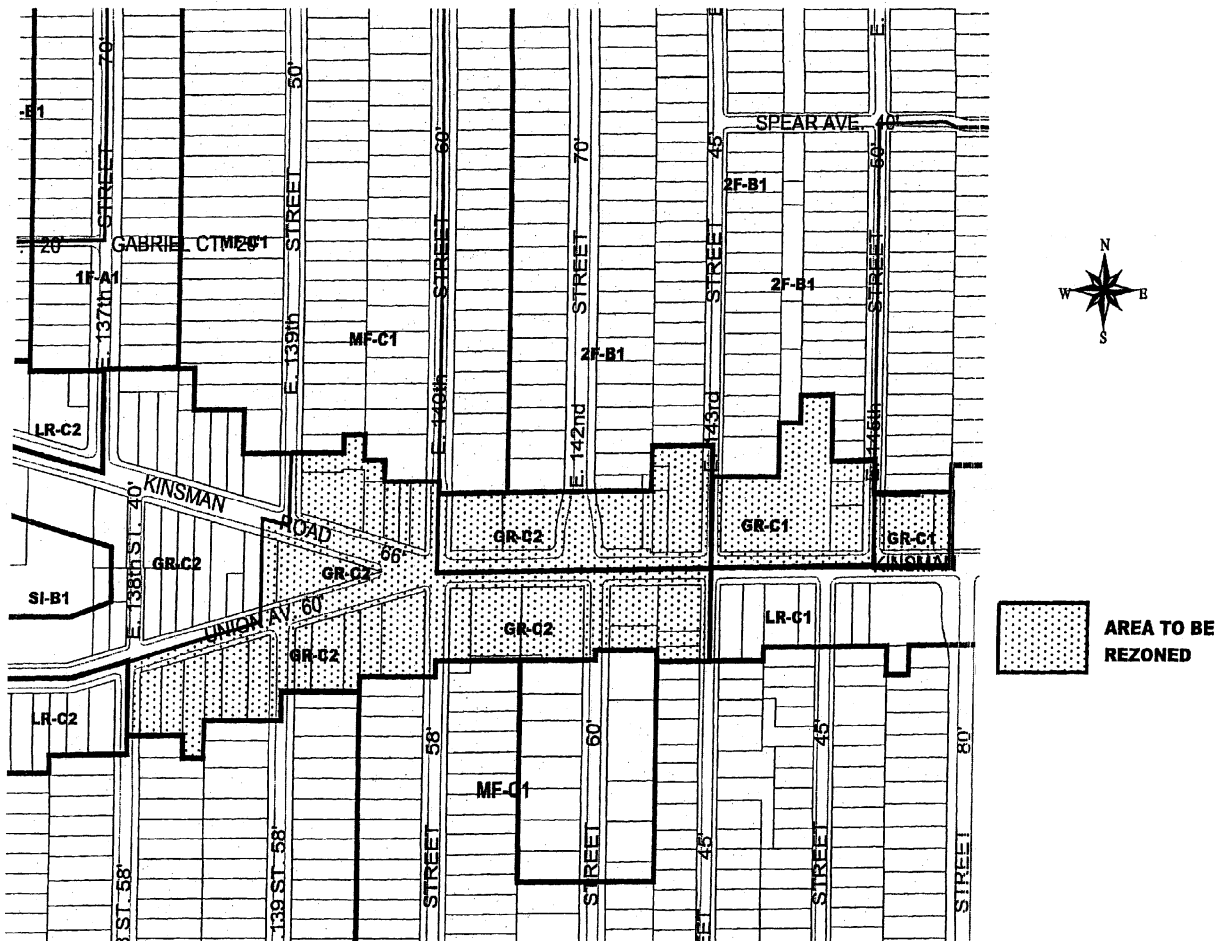
Thence Northerly along the Southerly prolongation, Westerly line and Northerly prolongation of the Westerly line of said P.P.N. 130-12-035 to its Intersection with the Centerline of Kinsman Road, aforesaid;

Thence Southeasterly along said Centerline of Kinsman Road to the place of beginning, and as outlined and shaded on the attached map is changed to a Local Retail Business Use District and to a "1" Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2107, Sheet No. 10, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

Proposed rezoning of properties along Kinsman Road between East 137th Street and East 146th Street from a General Retail Business Use District to a Local Retail Use District; and from a "2" Height District to a "1" Height District (Map Change No. 2107, Sheet No. 10)



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

**FIRST READING EMERGENCY
RESOLUTIONS READ IN FULL
AND ADOPTED**

Res. No. 12-04.

By Council Member Jackson.

An emergency resolution declaring Cleveland City Council's support of the proposal of Slavic Village HDAP Homes to the Ohio Housing Finance Agency for the use of Housing Development Assistance Program funds to develop affordable for-sale housing units in the city of Cleveland.

Whereas, each year the Ohio Housing Finance Agency allocates funding for affordable housing developments throughout Ohio using a competitive proposal process; and Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing in Cleveland's neighborhoods; and

Whereas, Slavic Village HDAP Homes is proposing to develop up to eleven (11) new single-family homes in the city of Cleveland; and

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

Whereas, the Slavic Village HDAP Homes project will benefit the citizens of the City; and

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

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

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

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

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

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

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

Res. No. 13-04.

By Council Members Jackson and Britt.

An emergency resolution declaring the week of Dr. Martin Luther King's birthday, January 18th - January 25th, Voter Registration Week in the City of Cleveland; encouraging unregistered citizens to register to vote at one of the events being conducted during Voter Registration Week; and reminding citizens that they may register to vote during normal business hours at their nearest public library, motor vehicle bureau, or the Cuyahoga County Board of Elections.

Whereas, the right to vote enables citizens to have a voice in their government as citizens choose the people who will serve in public office; and

Whereas, Dr. Martin Luther King, Jr., one of the greatest leaders in the history of the United States, emphasized the importance of voting when he stated "Voting is the foundation stone for political action. With it, [African Americans] can eventually vote out of office public officials who bar the doorway to decent housing, public safety, jobs and decent integrated education. It is now obvious that the basic elements so vital to [African-American] advancement can only be achieved by seeking redress from government at local, state, and federal levels. To do this the vote is essential"; and

Whereas, quality housing, education, jobs, and public safety are issues that are of basic concern to all residents of Cleveland, regardless of race, color or nationality; and

Whereas, the right to vote and to have one's vote counted is the hallmark of any democratic society; and

Whereas, the right of all Americans to vote was won through decades of struggle, including the loss of many lives; and

Whereas, voting is a right that belongs to all citizens of the state of Ohio; and

Whereas, many persons who are eligible to register to vote choose not to; and

Whereas, many persons who are registered do not exercise their democratic right to vote; and

Whereas, a large scale voter registration and education effort in the City of Cleveland can help increase the number of people who exercise their right to vote and thereby strengthen their voices in government; and

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

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

Section 1. That this Council hereby declares the week of Dr. Martin Luther King's birthday, January 18th - January 25th, Voter Registration Week in the City of Cleveland.

Section 2. That this Council hereby encourages unregistered citizens to register at any of the events being conducted in honor of Dr. Martin Luther King's birthday.

Section 3. That this Council hereby reminds citizens that they may register to vote during normal business hours at their nearest public library, motor vehicle bureau, or the Cuyahoga County Board of Elections.

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

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

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

Res. No. 14-04.

By Council Member Coats.

An emergency resolution supporting an investigation by the Commodity Futures Trading Commission and the Federal Energy Regulatory Commission into whether market manipulation contributed to a 55% surge in natural gas prices.

Whereas, the Commodity Futures Trading Commission and the Federal Energy Regulatory Commission have been asked to investigate whether market manipulation contributed to a 55% surge in natural gas prices; and

Whereas, given the amount of fuel stored in underground storage and available to augment fresh supplies from pipelines, there does not appear to be a reason for increases in spot-market and future prices; and

Whereas, gas inventories for this winter peaked at 3.187 trillion cubic feet on November 7, 2003, up 29 percent from a year earlier; and

Whereas, gas inventories for this winter are the third largest pre-winter stockpile on record according to Energy Department figures; and

Whereas, according to the National Oceanic and Atmospheric Administration, temperatures in the United States have been 9.5 percent warmer than normal so far this heating season; and

Whereas, this Council is concerned about the rising natural gas prices as such prices make it extremely challenging, if not impossible, for low income families and senior citizens to heat their homes; and

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

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

Section 1. That this Council hereby supports an investigation by the Commodity Future Trading Commission and the Federal Energy Regulatory Commission into whether market manipulation contributed to a 55 percent surge in natural gas prices.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Chairman Newsome, Commodity Future Trading Commission, and Chairman Wood, Federal Energy Regulatory Commission.

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

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

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

Res. No. 15-04.**By Council Member Britt.**

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 7902-04 Central Avenue and repealing Resolution Nos. 1612-02 and 1288-03, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 7902-04 Central Avenue by Resolution Nos. 1612-02 and 1288-03 adopted by the Council on August 14, 2002 and July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Dionne Mae Thomas, DBA Josephine's Lounge, 7902-04 Central Avenue, Cleveland, Ohio 44104, Permanent Number 8876756, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a D5 Liquor Permit to Dionne Mae Thomas, DBA Josephine's Lounge, 7902-04 Central Avenue, Cleveland, Ohio 44104, Permanent Number 8876756 be and the same is hereby withdrawn and Resolution Nos. 1612-02 and 1288-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 16-04.**By Council Member Coats.**

An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 18318 Euclid Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from Williams & Williams Enterprises, Inc., 16420 Euclid Avenue, 1st Floor and Basement, Cleveland, Ohio 44112, Permanent Number 9624545 to Williams & Williams Enterprises, Inc., DBA Chester Place, 18318 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 96245450002; 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 transfer of Liquor License of a D5 and D6 Liquor Permit from Williams & Williams Enterprises, Inc., 16420 Euclid Avenue, 1st Floor and Basement, Cleveland, Ohio 44112, Permanent Number 9624545 to Williams & Williams Enterprises, Inc., DBA Chester Place, 18318 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 96245450002, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 17-04.**By Council Member Gordon.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road and repealing Resolution No. 1312-03, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road by Resolution No. 1312-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant Robert W. Colson, Jr., Club 3C, DBA Club 3C, 3314 Broadview Road, Cleveland, Ohio 44109, Permanent Number 1577821, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Club 3C, DBA Club 3C, 3314 Broadview Road, Cleveland, Ohio 44109, Permanent Number 1577821 be and the same is hereby withdrawn and Resolution No. 1312-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 18-04.**By Council Member Gordon.**

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 2317 Denison Avenue and repealing Resolution No. 1317-03, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 2317 Denison Avenue by Resolution No. 1317-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Merle R. Gordon and Applicant, Janice A. Taylor, President, Denison Executive Club, Inc., DBA Denison Club, 2317 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 2066426, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to Denison Executive Club, Inc., DBA Denison Club, 2317 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 2066426 be and the same is hereby withdrawn and Resolution No. 1317-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 19-04.

By Council Member Johnson.

An emergency resolution withdrawing objection to the stock transfer of ownership of a C2 and C2X Liquor Permit at 12916 Forest Avenue and repealing Resolution No. 1373-03, objecting to said transfer.

Whereas, this Council objected to the stock transfer of ownership of a C2 and C2X Liquor Permit to 12916 Forest Avenue, 1st Floor and Basement by Resolution No. 1373-03 adopted by the Council on July 16, 2003; 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 stock transfer of ownership of a C2 and C2X Liquor Permit to 12916 Forest Avenue, 1st Floor and Basement be and the same is hereby withdrawn and Resolution No. 1373-03, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 20-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3904 Martin Luther King Jr. Drive and repealing Resolution No. 1687-02, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3904 Martin Luther King Jr. Drive by Resolution No. 1687-02 adopted by the Council on August 14, 2002; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Pamela Hubbard, DBA McClain's Market II, 3904 Martin Luther King Jr. Drive, Cleveland, Ohio 44105, Permanent Number 4034257-0005 be and the same is hereby withdrawn and Resolution No. 1687-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 21-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 12502 Kinsman Road and repealing Resolution No. 1684-02, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 12502 Kinsman Road by Resolution No. 1684-02 adopted by the Council on August 14, 2002; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to 333 Elyria, Inc., DBA Kinsman Food Deal, 12502 Kinsman Road, Cleveland, Ohio 44120, Permanent Number 8917069-0005 be and the same is hereby withdrawn and Resolution No. 1684-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2144-03.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the recently purchased Department of Finance facility; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to implement the improvement.

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

1. In the title, at the end, after "improvement" insert "; authorizing the Director of Finance to enter into a lease agreement with the Greater Cleveland Sports Commission to lease a portion of 205 St. Clair Building to be used as a joint operations center headquarters for the International Children's Games for a period not to exceed six months".

2. Insert a new Whereas clause before the existing one to read as follows: "Whereas, The Greater Cleveland Sports Commission has proposed to lease the space in the 205 St. Clair Building from the City to house its Joint Operations Center, relative to the International Children's Games from April 2, 2004 to August 31, 2004; and".

3. In Section 1, line 4, after "(Improvement)", insert "located at 205 St. Clair Avenue and commonly known as the 205 St. Clair Building,"

4. Insert new Sections 4, 5, 6, 7, 8, 9, 10, and 11 to read as follows:

"Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to enter into a lease with the Greater Cleveland Sports Commission of approximately 15,000 square feet of space in the 205 St. Clair Building, which is suitable for operation as Joint Operations Center headquarters for the International Children's Games.

Section 5. That the lease shall be for a period not to exceed six months.

Section 6. That the lease may authorize the Greater Cleveland Sports Commission to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 7. That the Director of Finance is authorized to accept, in lieu of rent payments under the lease, from the Greater Cleveland Sports Commission and the International Children's Games certain equipment, fixtures, and furniture used by the Greater Cleveland Sports Commission in the Joint Operations Center following completion of the International Children's Games, and is authorized to file all papers and execute all documents necessary to receive the equipment.

Section 8. That the Director of Finance is authorized to accept, in lieu of rent payments under the lease, from the Greater Cleveland Sports Commission and the International Children's Games certain services rendered by the Greater Cleveland Sports Commission and the International Children's Games in the function of the Joint Operations Center during the International Children's Games, and is authorized to file all papers and execute all documents necessary to receive the services.

Section 9. That, to the extent that the value of the equipment, fixtures, and furniture exceeds the fair market rent of the rented space in the 205 St. Clair Building, the Director of Finance is authorized to accept the additional equipment as a gift and is authorized to file all papers and execute all documents necessary to receive the gift.

Section 10. That the lease shall be prepared by the Director of Law and shall contain additional terms and conditions, as he deems necessary to protect and benefit the public interest.

Section 11. That the Director of Finance and the Director of Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions that may be necessary or appropriate to effect the lease and equipment donation authorized by this ordinance.

5. Renumber existing Sections 4 and to new "Section 12" and "Section 13."

Amendments agreed to.

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

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

Ord. No. 2152-03.

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

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to accept a donation of the real property and improvements known as St. Michael Hospital in the City's Broadway neighborhood; and authorizing a donation agreement between the City and St. Michael and University Hospitals.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law;

Relieved of Committee on City Planning; Passage recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In the title, line 2, after "of" insert "money, and"; and in line 5, after "neighborhood;" insert "authorizing the Director to enter into a lease agreement with UHHS-Saint Michael Hospital, Inc. ("UH") to lease the donated property to St. Michael for a period not to exceed twelve months; authorizing the Director to apply for and accept grants and gifts from public and private entities; authorizing the Director to employ one or more professional consultants to conduct a feasibility study regarding the future use of the donated property; determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the donated property, including but not limited to, environmental remediation, site improvements, and other improvements recommended by the feasibility study and accepted by the Director; and authorizing the Director to enter into one or more public improvement contracts for the making of the improvement;"

2. In the first whereas clause, line 3, after "of" insert "\$2,000,000 and"; and in line 5, after "value" insert "for a total donation value of \$7,141,700".

3. In Section 1, line 2, after "Properties" insert "(the "Director")".

4. Strike existing Section 2 in its entirety and insert:

"Section 2. That the Director is authorized to enter into an agreement with UH containing the terms of the donation; the agreement shall be substantially in the form contained in File No. 2152-03-A. The agreement shall be prepared by the Director of Law and shall contain any additional provisions that will protect and benefit the City of Cleveland."

5. Insert new Sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 to read as follows:

"Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director is authorized to enter into a triple net lease with UH for all of the donated property commonly known as St. Michael Hospital described above, for a period not to exceed twelve months at a cost of \$1.00 per month and other valuable considerations.

Section 4. That the lease may authorize UH to make improvements to the leased premises at their cost subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be substantially in the form attached to the donation agreement contained in File No. 2152-03-A. The lease shall be prepared by the Director of Law and shall contain any additional provisions that will protect and benefit the City of Cleveland."

Section 6. That the Director is authorized to accept as a gift, funds in the amount of \$2,000,000 from UH for the purpose of funding costs directly related to the donated property. The Director is authorized to file all papers and execute all documents necessary to receive these funds; and that the funds are appro-

priated for the purposes identified in this ordinance.

Section 7. That the Director is authorized to apply for and accept grants and gifts from public and private entities for the purpose of paying any costs directly related to the donated property. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance and, on acceptance of funds by the Director, they shall be appropriated for the purposes described in this ordinance.

Section 8. That the Director 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 conduct a feasibility study regarding the future use of the donated property.

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

Section 9. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving certain portions of the donated property, including but not limited to, environmental remediation, site improvements, and other improvements accepted by the Director, and other portions of the donated property as recommended by the feasibility study and accepted by the Director, 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 10. That the Director is authorized to enter into one or more contracts for the making of the public improvements 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 11. That the cost of the contracts authorized by this ordinance, all costs of acquisition of the donated property, and all costs directly related to the donated property shall be paid from the fund or funds to which are credited proceeds of the grants and gifts accepted under this ordinance, and from the fund or funds appropriated for the use of the various departments in

City government responsible for managing the donated property."

"Section 12. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the donations and lease authorized by this ordinance, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary to accept the property."

7. Renumber existing Section 3 to new **"Section 13"**.

Amendments agreed to.

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

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

MOTION

By Council Member White seconded by Council Member Zone and unanimously carried that the absence of Council Member Sabra Pierce Scott, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, January 12, 2004, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

NO MEETING

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final

closing date slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 20, 2004

9:30 A.M.

Calendar No. 03-338: 18920 Fairville Avenue (Ward 21)

Diane Muzychenko, owner, appeals to erect a 16' x 10' frame front porch to an existing two-story frame, one family dwelling situated on an approximate 58' x 187' parcel in a One-Family District located on the north side of Fairville Avenue near the intersection of Fairville Avenue and West 190th Street at 18920 Fairville Avenue; contrary to the Yards and Courts Regulations where a 10' porch projection is provided and open porticos or porches may not project more than 6' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 03-339: 2062 East 30th Street (Ward 5)

Zion Evangelical Lutheran Church, owner c/o Thomas Sippola, agent, appeals to install 72 l/f of 6'4" high ornamental fence with a gate at the front of an existing two-story brick and stone church, situated on a 78' x 298' irregular corner parcel located in a General Retail Business District on the southwest corner of East 30th Street and Prospect Avenue at 2062 East 30th Street; the proposed fence being contrary to the Fence Regulations where a 6'4" fence height is proposed and the maximum height of fence in the front 10' setback along East 30th Street is 4' as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 03-340: 2900 Detroit Avenue (Ward 13)

2900 Detroit Ltd., c/o Andrew Waterson, appeal to establish use as an office an existing three-story brick building situated on a 60' x 192' corner parcel in a Semi-Industry District on the northwest corner of Detroit Avenue and West 29th Street at 2900 Detroit Avenue; the use being contrary to the Off-Street Parking and Loading Requirements which provide that off-street parking requires that there be one space for each 500' s/f of gross floor area (20,400' gross floor area) and 15

spaces are proposed inside of the building and must meet the O.B.C., and a total of 41 spaces are required as stated in Section 349.04(g) of the Codified Ordinances.

Calendar No. 03-341: 1871 West 25th Street (Ward 14)

Rialto Corporation c/o Paul Cirjak, owner, and Moda, c/o Michael Vanuum, tenant, appeal to expand an existing nonconforming night club use, previously granted by the Board of Zoning Appeals in Calendar No. 01-47, by adding a 1,500 s/f outdoor patio and increasing the occupancy by 100 persons for a 60' x 84' brick building situated on a 66' x 157' parcel located in a General Retail Business District on the east side of West 25th Street at 1871 West 25th Street; the proposed expansion being contrary to the provisions of Specific Uses Regulated in Section 347.12(a) that require a night club to be 500' from a Residential District and the location is within 100' of a Multi-Family District to the east; and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(e), where a parking area equal to three times the gross floor area (5,400 s/f - 54 spaces) is required and none is provided; and subject to the provisions under Nonconforming Uses, where an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 03-342: 15721-23 Waterloo Road (Ward 11)

Northeast Shores Development Corporation c/o Brian Friedman, owner, appeals to expand a day care use previously granted by the Board of Zoning Appeals in Calendar No. 99-189 by adding an occupancy of 7 staff persons, 24 children and use of 590' s/f of floor space in the existing approximate 180' x 40' "T" shaped one and two-story office and day care building, situated on a 185' x 173' parcel in a Local Retail Business District on the north side of Waterloo Road at 15721-23 Waterloo Road; the day care facility being subject to Residential Districts Regulations that require it to be located at least 30' from an adjoining premises in a Residential District and requires the Board of Zoning Appeals approval for adequate side yard spaces and other safeguards to preserve the character of the neighborhood as stated in the One-Family District Regulations of Sections 337.02(f)(3)(c) and subject to the provisions for Nonconforming Uses that require the Board of Zoning Appeals approval for the expansion of an existing nonconforming use as state din Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 5, 2004

At the meeting of the Board of Zoning Appeals on Monday, January 5, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-328: 670 Lakeview Road

Letitia M. Nall appealed to change to an office and business use a 2 1/2-story former nursing home building in a Multi-Family District.

Calendar No. 03-329: 1948 Rookwood Road

Richard Felder appealed to erect an 8' x 14' sunroom addition to an existing garage at the rear of a single family dwelling in a One-Family District.

Calendar No. 03-276: 9300 Woodland Avenue

Coleman Trucking, owner, and Sam Kash, tenant, appealed to change an existing service station building to an auto repair shop in a Semi-Industry District; subject to conditions.

The following appeals were **Denied:**

Calendar No. 03-331: 2117 Fulton Road

Maria Lyle appealed to install an 8' x 19.5' concrete pad for parking in the front yard of a two-story dwelling in a Two-Family District.

Calendar No. 03-332: 9405-07 Adams Avenue

Joann Howard appealed to establish use as a day care a two family dwelling house in a Two-Family District.

The following appeal was **Withdrawn:**

Calendar No. 03-327: 18235 Euclid Avenue

Kimco of Ohio, Inc. appealed from a Violation Notice issued November 5, 2003 by the Building and Housing Department.

The following appeal was **Postponed:**

Calendar No. 03-326: 3930 East 131st Street postponed to February 2, 2004.

On Monday, January 5, 2004, in Executive Session:

The following appeals were heard by the Board on Monday, December 22, 2003, and said decisions were approved and adopted in Executive Session on Monday, January 5, 2004:

The following appeal was **Approved:**

Calendar No. 03-322: 3265 West 88th Street

Robert E. Mosack appealed to construct a 32" high fence/barrier, a retaining wall, to the side of the front yard of a two-story dwelling in a Two-Family District

The following appeal was **Denied:**

Calendar No. 03-325: 11604 Governor Avenue

George M. Greenawalt appealed to erect a 27' x 23' two-story frame garage addition to the east side of a one family dwelling in a Local Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, January 14, 2004 1:30 P.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, January 14, 2004, at 1:30 P.M., to consider the following ordinance now pending in the Council:

Ord. No. 2340-03.

By Council Member Polensek.

An ordinance to change the zoning of properties in the Euclid Beach Park Subdivision north of Lake Shore Boulevard to the Shoreline of Lake Erie between East 164th and East 169th Streets from a General Retail Business Use District to a Single-Family Residential Use District and from a "C" Area District to an "A" Area District (Map Change No. 2101, Sheet No. 7).

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

December 31, 2003 and January 7, 2004

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, JANUARY 21, 2004

Accessories and Equipment for Upfitting Vehicles/Equipment, for Various Divisions of the Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 20, 2004 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Lamps, for Various Divisions of the Department of Finance, as authorized by Ordinance No. 2020-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, JANUARY 13, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

Dry Cell Batteries, for Various Divisions of the Department of Finance, as authorized by Ordinance No. 2025-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, MONDAY, JANUARY 12, 2004 AT 1:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

December 31, 2003 and January 7, 2004

WEDNESDAY, JANUARY 21, 2004

Group IV/High Volume Copiers, for the Division of Printing & Reproduction, Department of Finance, as authorized by Ordinance No. 885-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, JANUARY 15, 2004 AT 2:30 P.M., CITY HALL, 601 LAKESIDE AVENUE, CONFERENCE ROOM 514, CLEVELAND, OHIO 44114.

Group V/Copier Maintenance, for the Division of Printing & Reproduction, Department of Finance, as authorized by Ordinance No. 886-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JANUARY 15, 2004 AT 3:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, CONFERENCE ROOM 514, CLEVELAND, OHIO 44114.

January 7, 2004 and January 14, 2004
FRIDAY, JANUARY 23, 2004

Contract 1: Repairing and Construction Curb Ramps including Casting Adjustments and Appurtenances for Street Resurfaced, Reconstructed and/or Rehabilitated, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 2329-03 pending.

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, JANUARY 15, 2004 AT 11:00 A.M., CITY HALL, ROOM 518, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

January 7, 2004 and January 14, 2004
WEDNESDAY, JANUARY 28, 2004

External Explosive Containment Trash Receptacles, for Various Divisions, Department of Port Control, authorized by Ordinance No. 1597-02, passed by the Council of the City of Cleveland, August 14, 2002.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, JANUARY 21, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

Wireless Voice and Data Services, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 2224-03 amending Ordinance No. 1714-02, passed by the Council of the City of Cleveland, September 16, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, JANUARY 15, 2004 AT 1:30 P.M., INFORMATION TECHNOLOGY & SERVICES CONFERENCE ROOM, 1404 E. 9TH ST., CLEVELAND, OHIO 44114.

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

January 7, 2004 and January 14, 2004
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Work Uniforms, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 1688-03, passed by the Council of the City of Cleveland, October 13, 2003.

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THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, JANUARY 28, 2004 AT 1:00 P.M., CROWN WATER TREATMENT PLANT, 955 CLAGUE RD., WESTLAKE, OHIO 44145.

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COUNCIL COMMITTEE MEETINGS

Monday, January 5, 2004 9:30 a.m.

Mayor's Appointment Committee: Present in in Mayor's Appointment: Coats, Chair; Reed, Pierce Scott, Westbrook. *Authorized Absence:* Cintron.

1:00 p.m.

Joint Committee of Public Parks and Finance: Present in Parks: Johnson, Chair; White, Vice Chair; Cimperman, Dolan, Jones, Rybka, Sweeney.
 Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

2:00 p.m.

Finance Committee: Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

Tuesday, January 6, 2004 1:30 p.m.

Public Safety Committee: Present in Public Safety: Reed, Chair; Britt, Vice Chair; Brady, Cimperman, Coats, Conwell, Jones, White, Zone.

Wednesday, January 7, 2004 1:30 p.m.

Public Utilities Committee: Present in Public Utilities: Coats, Chair; O'Malley, Vice Chair; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

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