

# The City Record

Official Publication of the Council of the City of Cleveland



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January the Twenty-Eighth, Two Thousand and Four

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**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

**Valarie J. McCall**  
City Clerk, Clerk of Council

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	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	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

**MAYOR** – Jane L. Campbell  
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 Baulknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

**BOARD OF EXAMINERS OF PLUMBERS** – Joseph 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

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WEDNESDAY, JANUARY 28, 2004

No. 4703

## CITY COUNCIL

MONDAY, JANUARY 26, 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 26, 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, Gordon, Johnson, Jones, Lewis, O'Malley, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Rev. Dan Burgoine of Cuyahoga Valley Community Church, 5055 East Wallings Road, Broadview Heights Ohio. Pledge of Allegiance.

#### MOTION

On the motion of Council Member Brady, the reading of the minutes of

the last meeting was dispensed with and the journal approved. Seconded by Council Member Johnson.

#### COMMUNICATIONS

##### File No. 122-04.

From the Department of Community Development — Transmittal of Year 2003 Storefront Program Project Statistics by Ward. Received.

##### File No. 123-04.

From the Office of Equal Opportunity and Port Control Department — Executive Summary of Bi-Monthly Office of Equal Opportunity Airport Report. Received.

##### File No. 124-04.

From the Cleveland Municipal Court re: changes to the Cleveland Municipal Court Judges as a result of the November 2003 election. Received.

##### File No. 125-04.

From the Cleveland Clinic Foundation — Summary report of Employer-Assisted Housing Program. Received.

##### File No. 126-04.

From the Cleveland Growth Association, Council of Smaller Enterprises — COSE's 2003 Annual Report. Received.

##### File No. 127-04.

From the Clear Channel Outdoor — contact information for all billboards owned and operated by Clear Channel Outdoor. Received.

##### File No. 128-04.

From Richard F. Horvath, Chief Corporate Counsel — Legal Opinion, Charter Section 200. Received.

##### File No. 129-04.

From Gulf Insurance Group — re: Surety Bond Number B2 1848038, Principal: OBO Demolition & Construction, Inc. Received.

##### File No. 130-04.

From Gulf Insurance Group — re: Surety Bond Number B2 1848039, Principal: OBO Demolition & Construction, Inc. Received.

##### File No. 131-04.

From ACORD — Certificate of Liability Insurance. Received.

##### File No. 132-04.

From the Greater Cleveland Sports Commission — Gravity Games sponsor overview report for the 2003 Gravity Games. Received.

**FROM DEPARTMENT OF  
LIQUOR CONTROL**

**File No. 133-04.**

Re: Transfer of Ownership Application — 2655495 — Fat Boy's Sport Bar, Inc., 13835 Lorain Avenue. (Ward 20). Received.

**File No. 134-04.**

Re: Transfer of Ownership Application — 0010476 — A & L Restaurants, Inc., 2927 Bridge Avenue. (Ward 13). Received.

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 135-04**—Arthur W. Nokes.  
**Res. No. 136-04**—Miles Bonner, Jr.  
**Res. No. 137-04** — Quinten Lee-Baron Thomas.  
**Res. No. 138-04** — William Henry Byrd.  
**Res. No. 139-04** — Marion Virginia Bryant.  
**Res. No. 140-04**—Gene C. Zannoni.  
**Res. No. 141-04** — Randolph Alexander Davis.  
**Res. No. 142-04**—Jannie Mae Chapman Ruffin.  
**Res. No. 143-04**—Regina Carey.  
**Res. No. 144-04**—Kermit K. Neely.  
**Res. No. 145-04** — Dorothy Eva Parker-Stormer.  
**Res. No. 146-04**—Josephine Brody.

**CONGRATULATION RESOLUTIONS**

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

- Res. No. 147-04**—Reginald Anthony Perkins, Sr.  
**Res. No. 148-04**—Rev. D.A. Witcher, Sr.  
**Res. No. 149-04**—Bridgeway Inc.  
**Res. No. 150-04**—The Vietnamese Community in Cleveland.  
**Res. No. 151-04** — Rev. Antoine Legan.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 152-04**—Rev. John J. Cregan.  
**Res. No. 153-04**—Cleveland Job Corps Center.  
**Res. No. 154-04**—Magda Gomez.

**APPRECIATION RESOLUTIONS**

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

- Res. No. 155-04**—Mike Pinter.  
**Res. No. 156-04**—David Swift.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 94-04.**  
**By Council Members Sweeney and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Service to enter into one or more agreements with the Cleveland Municipal School District, the Cleveland Public Libraries, and other entities to allow the placement and maintenance of City recycling bins on their properties.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Service is authorized to enter into one or more agreements with the Cleveland Municipal School District, the Cleveland Public Libraries, and other entities to allow the City to place and maintain recycling bins on their properties.

**Section 2.** That the agreements shall be prepared by the Director of Law and shall contain terms and conditions as the Directors of Law and Public Service deem necessary to protect and benefit the public interest and that the agreements with public entities shall contain a provision that the City shall indemnify them against any injury, accident, or loss caused by the City's use of their properties or the City's nonperformance of its obligations under the agreements.

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

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

**Ord. No. 95-04.**  
**By Council Members Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the purchase by one or more requirement contracts of tree trimming, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written 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 tree trimming, 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 Park Maintenance and Properties, Department of Parks, Recreation and Properties. 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 135725)

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

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

**Ord. No. 96-04.**  
**By Council Members Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to amend City Contract No. 52942 between the City of Cleveland and Goodtime Cruise Line, Inc. to allow the Goodtime III to provide the community tours during its regular season.**

Whereas, the City, through its Director of Parks, Recreation, and Properties, entered into City Contract No. 52942 ("Agreement") with Goodtime Cruise Line, Inc. ("Goodtime") for use, maintenance, and occupancy of approximately 175 feet of dockage for Goodtime III in the North Coast Harbor; and

Whereas, under the Agreement, Goodtime is required to provide a community tour on the second Tuesday in the months of May through August for up to 400 people for each tour, at a rate of \$1 per person; and

Whereas, two of these community tours occur during Goodtime's off-season; and

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation, and Properties is authorized to amend City Contract No. 52942 between the City of Cleveland and Goodtime Cruise Line, Inc. to allow the Goodtime III to provide the community tours during its regular season.

**Section 2.** That the amendment shall be prepared by the Director of Law and shall contain terms and conditions that the Director of Law deems necessary to protect and benefit the public interest.

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

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

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

**Ord. No. 97-04.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of equipment necessary to maintain the grounds at Highland and Seneca Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to make one or more written 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 equipment necessary to maintain the grounds at Highland and Seneca Golf Courses, including but not limited to utility carts and mowers, 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 Recreation, Department of Parks, Recreation and Properties. 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 136698)

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

**Ord. No. 98-04.**

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

**An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from Cuyahoga County, Department of Senior and Adult Services, for the Community Navigator Program; and authorizing the Director to employ one or more professional consultants to provide services to implement the program.**

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

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

**Section 1.** That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$120,000, and any other funds that may become available during the grant term from Cuyahoga County, Department of Senior and Adult Services, to conduct the Community Navigator Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 98-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

**Section 3.** That the Director of Aging is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the program as described in the file.

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

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

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

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

**Ord. No. 99-04.**

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

**An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the McGregor Foundation for the CHORE Program.**

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

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

**Section 1.** That the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$26,000, and any other funds that may become available during the grant term from the McGregor Foundation to conduct the CHORE Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 99-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

**Ord. No. 110-04.**

**By Council Member Pierce Scott. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Glenville Development Corporation or designee.**

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

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

Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-102, as more fully described below, to Glenville Development Corporation or designee.

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

P. P. No. 109-10-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 18 and part of Sublot Nos. 21, 22 and 23 in M.H. Solloway's Subdivision of part of Original One Hundred Acre Lot No. 385, as shown by the recorded plat in Volume 16 of Maps, Page 6 of Cuyahoga County Records, and part of Sublot No. 11 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Tanner Avenue, N.E. at the Northeasterly corner of said Sublot No. 18; thence Westerly along said Southerly line of Tanner Avenue, N.E., 46 feet to the Northwesterly corner of said Sublot No. 18; thence Southerly along the Westerly line of said Sublot No. 18, about 144-68/100 feet to the Northeasterly corner of said Sublot No. 11; thence Southerly on a line at right angles with the Northerly line of said Sublot No. 11, about 40 feet to the Southerly line of said Sublot No. 11; thence Easterly along the Southerly line of said Sublot No. 11, about 5-12/100 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 11, about 16/100 feet to the Southwesterly corner of said Sublot No. 23, thence Easterly along the Southerly line of said Sublot No. 23, 47-21/100 feet to the Southwesterly corner of land conveyed to Evelyn Rose Drucker and Sylvia Persky by deed dated October 30, 1920, and recorded in Volume 2472, Page 9 of Cuyahoga County Records, thence Northerly along the Westerly line of land so conveyed to Evelyn Rose Drucker and Sylvia Persky 30 feet to the Northwesterly corner thereof; thence Easterly along the Northerly line of said Sublot No. 23, 5 feet, thence Northerly on a line parallel to the Westerly line of said Sublot Nos. 22 and 21, 60 feet to a point on the Northerly line of said Sublot No. 21, 30 feet Easterly, measured along said Northerly line, from the Northwesterly corner thereof; thence Westerly along the Northerly line of said Sublot No. 21, 30 feet to the Northwesterly corner thereof, thence

Northerly along the Easterly line of said Sublot No. 18, 87-87/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-108 as more fully described below to Glenville Development Corporation or designee.

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

P. P. No. 109-10-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 24 in M.H. Solloway's Subdivision of part of Original One Hundred Acre Lot No. 385 as shown by the recorded plat in Volume 16 of Maps, Page 6 of Cuyahoga County Records, and being 30 feet front on the Westerly side of Haven Street (now known as East 102nd Street) 142.21 feet deep on the Northerly line, 138.38 feet deep on the Southerly line, and 30.25 feet in the rear, as appears by said plat.

Also subject to all zoning ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-118 as more fully described below, to Glenville Development Corporation or designee.

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

P. P. No. 109-10-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of Sublot No. 14 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 30 feet front on the Easterly side of East 101st Street (formerly Eaton Street) and extending back 102.71 feet deep on the Northerly line, about 106.55 feet deep on the Southerly line and having rear line of about 30.25 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-119 as more fully described, to Glenville Development Corporation or designee.

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

P. P. No. 109-10-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 14 and all of Sublot No. 13 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of East 101st Street distant 34 feet 3 inches Northerly from the Southwest corner of said Sublot No. 12 measured along said Easterly line of East 101st Street, which place of beginning is the Northwest corner of Parcel No. 1 of land conveyed by the Heirs of William Grigsby to Herbert G. Grigsby by deed dated May 1, 1934 and recorded in Volume 4363, Page 43 of Cuyahoga County Records; thence Northerly along the Easterly line of said East 101st Southerly about 52 feet 9 inches to the Southerly line of land conveyed to Gilbert Lindsay and Lavinia Lingsay to Agnes Klinker by deed dated November 14, 1911, and recorded on November 17, 1911, in Volume 1369, Page 154 of the deed records of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Agnes Klinker to the Easterly line of said Sublot No. 14; thence Southerly along the Easterly line of said Sublot Nos. 12, 13 and 14 to the Northeasterly corner of land so conveyed to Herbert G. Grigsby; thence Westerly along the Northerly line of land conveyed to Herbert G. Grigsby to the place of beginning.

Also subject to all zoning ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-120 as more fully described below, to Glenville Development Corporation or designee.

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

P. P. No. 109-10-120

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 12 in G.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 101st Street (formerly Eaton Street) at the Southwesterly corner of Sublot No. 12; thence Northerly along the Easterly line of East 101st Street, 34 feet 3 inches; thence Easterly parallel with the Southerly line of Sublot No. 12 to the Northeasterly line of Sublot No. 12; thence Southeasterly along the Northeasterly line of Sublot No. 12 to the Southwesterly corner thereof; thence West along the Southerly line of Sublot No. 12, 117.70 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to driveway easement in Volume 4453, Page 48 of Cuyahoga County Records dated May 1, 1934.

Subject to driveway easement recited in Volume 4365, Page 50 of Cuyahoga County Records dated May 1, 1934.

Also subject to zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-122 as more fully described below, to Glenville Development Corporation or designee.

**Section 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in the C.C. Baldwin's Allotment of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 101st Street, and extending back 122.82 feet on the Northerly line 127.05 feet on the Southerly line and having a rear line of 40.33 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-125 as more fully described below, to Glenville Development Corporation or designee.

**Section 14.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 6 and 7 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lot Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of said Sublot No. 6 distant North 83° 7' 0" East, measured along Southerly line, 57.80 feet from the Easterly line of East 101st Street; thence North 6° 53' 0" West, parallel with the Easterly line of East 101st Street, 66.00 feet; thence North 83° 7' 0" East, parallel with the Northerly line of said Sublot No. 7 30.20 feet; thence South 6° 53' 0" East, 66.00 feet to the Southerly line of said Sublot No. 6; thence South 83° 7' 0" West along the Southerly line of said Sublot No. 6, 30.20 feet to the place of beginning, according to the survey of Charles W. Root, registered professional engineer and surveyor, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-133 as more fully described below, to Glenville Development Corporation or designee.

**Section 16.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 16 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40.35 feet on the Westerly side of East 101st Street (formerly Easton Street) and extending back 112.81 feet deep on the Northerly line, which is also the Southerly line of Tanner Avenue, N.E., 112 feet on the Southerly line, and having a rear line of 53.87 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 17.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-156 as more fully described below, to Glenville Development Corporation or designee.

**Section 18.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-156

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lot Nos. 384 and 385, said Sublot No. 47 is 38.22 feet front on the Westerly side of Norwich Street (now known as East 100th Street) and extends back 112.81 feet deep on the Northerly line, 112 feet on the Southerly line and is 51.74 feet wide at the rear, according to the plat recorded in Volume 17, Page 17 of Cuyahoga County Records.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 48, the Northerly part, in the Charles C. Baldwin's Subdivision of part of Original One Hundred Acre Lot Nos. 384 and 385, and being the Northerly 12 feet running parallel from front to rear of said Sublot No. 48 on the Westerly side of Norwich Street (now known as East 100th Street) and having a depth of 112 feet.

Also subject to zoning ordinances, if any.

**Section 19.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 109-10-173 as more fully described below, to Glenville Development Corporation or designee.

**Section 20.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-173

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 6 and 7 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Easterly line of East 101st Street at the Northwesterly corner of said Sublot No. 7; thence North 83° 7' 0" East, along the Northerly line of said Sublot No. 7, 138-19/100 feet to the Northeasterly corner thereof; thence South 14° 11' 0" East, along the Northeasterly line of said Sublot Nos. 7 and 6, 46-51/100 feet; thence South 83° 7' 0" West, parallel with the Northerly line of said Sublot No. 7 31-60/100 feet; thence North 6° 53' 0" West, parallel with the Easterly line of East 101st Street, 11-00/100 feet; thence South 83° 7' 0" West, 4-00/100 feet; thence North 6° 53' 0" West, 13-13/100 feet; thence Northwesterly, 12-57/100 feet along the arc of a circle deflecting to the left having a radius of 8-00/100 feet and a chord which bears North 51° 53' 0" West, 11-31/100 feet; thence South 83° 7' 0" West 42-70/100 feet; thence South 6° 53' 0" East, 66-11/100 feet to the Southerly line of said Sublot No. 6; thence South 83° 7' 0" West, along the Southerly line of said Sublot No. 6, 57-80/100 feet to the Easterly line of East 101st Street; thence North 6° 53' 0" West along the Easterly line of East 101st Street, 80-00/100 feet to the place of beginning according to the survey of Charles W. Root, Registered Professional Engineering and Surveyor. Subject to zoning ordinances, if any.

**Section 21.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-174 as more fully described below, to Glenville Development Corporation or designee.

**Section 22.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-174

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 6 and 7 in C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records;

Beginning at a point in the Southerly line of said Sublot No. 6 distant North 83° 7' 00" East, measured along said Southerly line, 88-00/100 feet from the Easterly line of East 101st Street; thence North 6° 53'

00" West, parallel with the Easterly line of East 101st Street, 66-00/100 feet; thence North 83° 7' 00" East, parallel with the Northerly line of said Sublot No. 7, 12-50/100 feet; thence Southeasterly 12-57/100 feet along the arc of a circle deflecting to the right having a radius of 8-00/100 feet and a chord which bears South 51° 53' 00" East, 11-31/100 feet; thence South 6° 53' 00" East, 13-13/100 feet; thence North 83° 07' 00" East, 4-00/100 feet; thence South 6° 53' 00" East, 11-00/100 feet; thence North 83° 07' 00" East, 31-60/100 feet to a point in the Northeasterly line of said Sublot No. 6 distant South 14° 11' 00" East, measured along the Northeasterly line of said Sublot Nos. 7 and 6, 46-51/100 feet from the Northeasterly corner of said Sublot No. 7; thence South 14° 11' 00" East, along the Northeasterly line of said Sublot No. 6, 34-15/100 feet to the Southeasterly corner thereof; thence South 83° 07' 00" West, along the Southerly line of said Sublot No. 6, 60-44/100 feet to the place of beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor.

**Section 23.** 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 24.** 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 25.** 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 26.** 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. 112-04.**  
**By Council Member Coats.**  
**An emergency ordinance authorizing and directing the Director of Public Utilities, in conjunction with the Commissioner of Cleveland Public Power, to immediately establish a policy that prohibits electric disconnections between November 1st of each year and April 15th of each year.**

Whereas, temperatures in Cleveland begin to fall during the month of November; and

Whereas, during the winter months, Cleveland residents encounter weeks of freezing temperatures; and

Whereas, many Cleveland residents have been struggling due to

the current economic situation in this country; and

Whereas, energy costs have been rising and many Cleveland residents are struggling to pay their utility bills; and

Whereas, some Cleveland families are forced to choose between paying their utility bills, buying food for their families, or seeking medical assistance; and

Whereas, no Cleveland residents, especially Cleveland's children and seniors, should face the winter months without heat or light; and

Whereas, utility companies serving Cleveland residents should place the health, safety, and welfare of their customers above the bottom-line during the coldest months of the year; and

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

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

**Section 1.** That the Director of Public Utilities, in conjunction with the Commissioner of Cleveland Public Power, is hereby authorized and directed to immediately establish a policy that prohibits electric disconnections between November 1st of each year and April 15th of each year.

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

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

**Ord. No. 115-04.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2004.**

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2004, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Sixty Six Million Three Hundred Thirty Six Thousand Seven Hundred Seventy Two Dollars (\$466,336,772) from the General Fund;

The sum of Fifty Seven Million One Hundred Forty Thousand Three Hundred Six Dollars (\$57,140,306) from the Special Revenue Funds;

The sum of Twenty Two Million Six Hundred Four Thousand Two Hundred Seventy Seven Dollars (\$22,604,277) from the Internal Service Funds;

The sum of Five Hundred Ninety Two Million Five Hundred Three Thousand Three Hundred Forty Three Dollars (\$592,503,343) from the Enterprise Funds;

The sum of Eight Million Nine Hundred Ten Thousand Three Hundred Sixty Dollars (\$8,910,360) from the Trust and Agency Funds;

The sum of Fifty Four Million Four Hundred Nine Thousand Three Hundred Fifty One Dollars (\$54,409,351) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. in the aggregate amount for each department as follows:



APPROPRIATION FOR THE YEAR 2004

GENERAL FUND

Legislative Branch		\$	5,601,473
Municipal Court		\$	32,403,787
Executive Branch			
Office of the Mayor			2,214,915
Department of Public Safety			268,915,557
Community Relations Board			918,127
Department of Consumer Affairs			315,832
Department of Public Service			34,662,615
Department of Parks, Recreation & Properties			33,547,606
Urban Planning & Development			16,964,406
Department of Public Health			11,716,410
Department of Aging			424,863
Support Functions			37,238,672
Transfers to Other Funds			21,412,509
TOTAL EXECUTIVE BRANCH		\$	428,331,512
TOTAL GENERAL FUND		\$	466,336,772
Special Revenue Funds		\$	57,140,306
Internal Service Funds			22,604,277
Enterprise Funds			592,503,343
Trust and Agency Funds			8,910,360
Debt Service Funds			54,409,351
TOTAL APPROPRIATIONS FOR 2004		\$	1,201,904,409

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council			\$5,601,473
I. Personnel and Related Expenses	\$4,322,571		
II. Other Expenses	1,278,902		
TOTAL LEGISLATIVE BRANCH			\$5,601,473

MUNICIPAL COURT

Municipal Court - Judicial Division			\$19,684,880
I. Personnel and Related Expenses	\$17,184,986		
II. Other Expenses	2,499,894		
Municipal Court - Housing Division			\$2,798,481
I. Personnel and Related Expenses	\$2,664,169		
II. Other Expenses	134,312		
Municipal Court - Clerk's Division			\$9,920,426
I. Personnel and Related Expenses	\$7,993,482		
II. Other Expenses	1,926,944		
TOTAL MUNICIPAL COURT			\$32,403,787

EXECUTIVE BRANCH

Office of the Mayor			\$2,214,915
I. Personnel and Related Expenses	\$1,965,269		
II. Other Expenses	249,646		
TOTAL EXECUTIVE BRANCH			\$2,214,915

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,945,465
I. Personnel and Related Expenses	\$2,599,257	
II. Other Expenses	346,208	
Division of Police		\$168,649,335
I. Personnel and Related Expenses	\$158,155,531	
II. Other Expenses	10,493,804	
Division of Fire		\$76,190,007
I. Personnel and Related Expenses	\$73,431,934	
II. Other Expenses	2,758,073	
Division of Emergency Medical Services		\$20,268,026
I. Personnel and Related Expenses	\$18,684,903	
II. Other Expenses	1,583,123	
Division of Dog Pound		\$862,724
I. Personnel and Related Expenses	\$734,636	
II. Other Expenses	128,088	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u>\$268,915,557</u>

## COMMUNITY RELATIONS BOARD

Community Relations Board		\$918,127
I. Personnel and Related Expenses	\$819,198	
II. Other Expenses	98,929	
TOTAL COMMUNITY RELATIONS BOARD		<u>\$918,127</u>

## DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$315,832
I. Personnel and Related Expenses	\$230,697	
II. Other Expenses	85,135	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		<u>\$315,832</u>

## DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$519,887
I. Personnel and Related Expenses	\$506,208	
II. Other Expenses	13,679	
Division of Architecture		\$684,407
I. Personnel and Related Expenses	\$657,817	
II. Other Expenses	26,590	
Division of Waste Collection and Disposal		\$25,047,058
I. Personnel and Related Expenses	\$14,993,129	
II. Other Expenses	10,053,929	
Division of Engineering and Construction		\$4,855,348
I. Personnel and Related Expenses	\$4,558,700	
II. Other Expenses	296,648	
Division of Traffic Engineering		\$3,555,915
I. Personnel and Related Expenses	\$2,600,618	
II. Other Expenses	955,297	
TOTAL DEPARTMENT OF PUBLIC SERVICE		<u>\$34,662,615</u>

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$722,933
I. Personnel and Related Expenses	\$568,226	
II. Other Expenses	154,707	

Division of Research, Planning, and Development		\$722,223
I. Personnel and Related Expenses	\$671,418	
II. Other Expenses	50,805	
Division of Recreation		\$11,357,147
I. Personnel and Related Expenses	\$8,291,206	
II. Other Expenses	3,065,941	
Division of Parking Facilities-On Street		\$993,976
I. Personnel and Related Expenses	\$961,467	
II. Other Expenses	32,509	
Division of Property Management		\$8,050,331
I. Personnel and Related Expenses	\$5,922,316	
II. Other Expenses	2,128,015	
Division of Park Maintenance and Properties		\$11,700,996
I. Personnel and Related Expenses	\$8,722,191	
II. Other Expenses	2,978,805	
 TOTAL PARKS, RECREATION, AND PROPERTIES		<u>\$33,547,606</u>

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$923,631
I. Personnel and Related Expenses	\$808,631	
II. Other Expenses	115,000	
Director's Office		\$162,973
I. Personnel and Related Expenses	\$162,973	
Division of Neighborhood Development		\$866,261
I. Personnel and Related Expenses	\$666,261	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$421,907
I. Personnel and Related Expenses	\$421,907	
 TOTAL COMMUNITY DEVELOPMENT		<u>\$2,374,772</u>

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir. Office		\$2,097,715
I. Personnel and Related Expenses	\$1,700,219	
II. Other Expenses	397,496	
Division of Code Enforcement		\$6,742,957
I. Personnel and Related Expenses	\$6,527,800	
II. Other Expenses	215,157	
Division of Construction Permit		\$1,618,980
I. Personnel and Related Expenses	\$1,597,280	
II. Other Expenses	21,700	
 TOTAL BUILDING AND HOUSING		<u>\$10,459,652</u>

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$169,944
I. Personnel and Related Expenses	\$162,870	
II. Other Expenses	7,074	
Board of Building Standards and Appeals		\$106,515
I. Personnel and Related Expenses	\$93,677	
II. Other Expenses	12,838	
Board of Zoning Appeals		\$285,538
I. Personnel and Related Expenses	\$270,836	
II. Other Expenses	14,702	
 Total Regulatory Boards		<u>\$561,997</u>

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,132,320
I. Personnel and Related Expenses	\$1,084,674	
II. Other Expenses	47,646	
Total Department of Economic Development		<u>\$1,132,320</u>
Office of Equal Opportunity		\$906,932
I. Personnel and Related Expenses	\$871,799	
II. Other Expenses	35,133	
City Planning Commission		\$1,528,733
I. Personnel and Related Expenses	\$1,466,800	
II. Other Expenses	61,933	
TOTAL URBAN PLANNING AND DEVELOPMENT		<u>\$16,964,406</u>

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$736,029
I. Personnel and Related Expenses	\$635,432	
II. Other Expenses	100,597	
Division of Correction		\$6,230,797
I. Personnel and Related Expenses	\$4,947,464	
II. Other Expenses	1,283,333	
Division of Health		\$3,253,834
I. Personnel and Related Expenses	\$2,443,380	
II. Other Expenses	810,454	
Division of Environment		\$1,065,780
I. Personnel and Related Expenses	\$913,191	
II. Other Expenses	152,589	
Division of Air Quality		\$429,970
I. Personnel and Related Expenses	\$107,082	
II. Other Expenses	322,888	
TOTAL DEPARTMENT OF PUBLIC HEALTH		<u>\$11,716,410</u>

## DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$424,863
I. Personnel and Related Expenses	\$356,005	
II. Other Expenses	68,858	
TOTAL DEPARTMENT OF AGING		<u>\$424,863</u>

SUPPORT FUNCTIONS  
FINANCIAL AND LEGAL ADMINISTRATION

## DEPARTMENT OF FINANCE

Finance Administration		\$706,848
I. Personnel and Related Expenses	\$655,146	
II. Other Expenses	51,702	
Division of Accounts		\$1,381,642
I. Personnel and Related Expenses	\$969,871	
II. Other Expenses	411,771	
Division of Assessments and Licenses		\$1,438,049
I. Personnel and Related Expenses	\$1,265,887	
II. Other Expenses	172,162	
Division of Treasury		\$511,321
I. Personnel and Related Expenses	\$445,526	
II. Other Expenses	65,795	

Division of Purchases and Supplies		\$609,402
I. Personnel and Related Expenses	\$510,960	
II. Other Expenses	98,442	
Bureau of Internal Audit		\$705,698
I. Personnel and Related Expenses	\$448,633	
II. Other Expenses	257,065	
Division of Financial Reporting and Control		\$1,276,717
I. Personnel and Related Expenses	\$1,059,190	
II. Other Expenses	217,527	
Information Technology and Services		\$2,861,683
I. Personnel and Related Expenses	\$2,010,426	
II. Other Expenses	851,257	
Information Tech & Planning		\$222,058
I. Personnel and Related Expenses	\$221,808	
II. Other Expenses	250	
TOTAL DEPARTMENT OF FINANCE		<u>\$9,713,418</u>
Office of Budget & Management-Budget Admin.		\$588,180
I. Personnel and Related Expenses	\$576,301	
II. Other Expenses	11,879	
Department Law		\$7,708,000
I. Personnel and Related Expenses	\$6,123,215	
II. Other Expenses	1,584,785	
TOTAL FINANCE AND LEGAL ADMINISTRATION		<u>\$18,009,598</u>
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,536,577
I. Personnel and Related Expenses	\$1,288,112	
II. Other Expenses	248,465	
Civil Service Commission		\$760,512
I. Personnel and Related Expenses	\$587,995	
II. Other Expenses	172,517	
TOTAL PERSONNEL ADMINISTRATION		<u>\$2,297,089</u>
NONDEPARTMENTAL		
County Auditor Deductions		\$1,043,000
II. Other Expenses	\$1,043,000	
Other Administrative		\$15,888,985
II. Other Expenses	\$15,888,985	
TOTAL NONDEPARTMENTAL		<u>\$16,931,985</u>
TOTAL SUPPORT FUNCTIONS		<u>\$37,238,672</u>
Transfers To Other Funds		\$21,412,509
II. Other Expenses	\$21,412,509	
TOTAL GENERAL FUND		<u>\$466,336,772</u>
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$32,760,472
I. Capital	\$12,760,472	
II. Debt Service	20,000,000	

Street Construction, Maintenance & Repair Fund		\$22,129,834
I. Personnel and Related Expenses	\$14,997,914	
II. Other Expenses	7,131,920	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
Rainy Day Fund		\$250,000
II. Other Expenses	\$250,000	
TOTAL SPECIAL REVENUE FUNDS		<u>\$57,140,306</u>

## INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$5,843,832
I. Personnel and Related Expenses	\$1,021,513	
II. Other Expenses	4,822,319	
Division of Motor Vehicle Maintenance		\$14,214,894
I. Personnel and Related Expenses	\$6,227,518	
II. Other Expenses	7,987,376	
Division of Printing and Reproduction		\$1,613,853
I. Personnel and Related Expenses	\$762,246	
II. Other Expenses	851,607	
City Storeroom and Central Warehouse		\$931,698
I. Personnel and Related Expenses	\$84,670	
II. Other Expenses	847,028	
TOTAL INTERNAL SERVICE FUNDS		<u>\$22,604,277</u>

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,553,916
I. Personnel and Related Expenses	\$1,109,480	
II. Other Expenses	444,436	
Radio		\$2,360,801
I. Personnel and Related Expenses	\$154,770	
II. Other Expenses	2,206,031	
Division of Fiscal Control		\$2,950,148
I. Personnel and Related Expenses	\$2,682,458	
II. Other Expenses	267,690	
Division of Water		\$242,000,000
I. Personnel and Related Expenses	\$80,594,745	
II. Other Expenses	161,405,255	
Division of Water Pollution Control		\$24,738,818
I. Personnel and Related Expenses	\$9,200,109	
II. Other Expenses	15,538,709	
Division of Cleveland Public Power		\$149,932,100
I. Personnel and Related Expenses	\$27,489,533	
II. Other Expenses	122,442,567	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		<u>\$423,535,783</u>

## DEPARTMENT OF PORT CONTROL

Airports - Operations		\$138,464,634
I. Personnel and Related Expenses	\$23,407,956	
II. Other Expenses	115,056,678	
TOTAL DEPARTMENT OF PORT CONTROL		<u>\$138,464,634</u>

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$1,905,972
I. Personnel and Related Expenses	\$1,614,019	
II. Other Expenses	291,953	
Golf Course Fund		\$2,546,667
I. Personnel and Related Expenses	\$1,205,364	
II. Other Expenses	1,341,303	
Division of Parking Facilities-Off Street Parking		\$8,585,263
I. Personnel and Related Expenses	\$1,278,775	
II. Other Expenses	7,306,488	
Division of Convention Center		\$5,915,091
I. Personnel and Related Expenses	\$2,792,795	
II. Other Expenses	3,122,296	
Division of Convention Center & Stadium-West Side Market		\$971,997
I. Personnel and Related Expenses	\$452,195	
II. Other Expenses	519,802	
Division of Convention Center & Stadium-Stadium		\$10,500,000
II. Other Expenses	\$10,500,000	
Division of Property Management - East Side Market		\$77,936
I. Personnel and Related Expenses	\$54,835	
II. Other Expenses	23,101	
<b>TOTAL PARKS, RECREATION, &amp; PROPERTIES</b>		<u><u>\$30,502,926</u></u>
<b>TOTAL ENTERPRISE FUNDS</b>		<u><u>\$592,503,343</u></u>
AGENCY FUND		
Central Collection Agency		\$8,910,360
I. Personnel and Related Expenses	\$5,987,015	
II. Other Expenses	2,923,345	
<b>TOTAL AGENCY FUND</b>		<u><u>\$8,910,360</u></u>
DEBT SERVICE FUND		
Sinking Fund Commission		\$54,409,351
I. Personnel and Related Expenses	\$150,901	
II. Other Expenses	403,824	
III. Debt Service	53,854,626	
<b>TOTAL DEBT SERVICE FUNDS</b>		<u><u>\$54,409,351</u></u>

**Section 2.** That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 115-04-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2003 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2004 or prior years. The Mayor's Estimate File No. 115-04-A as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2004 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

**Section 3.** That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

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

**Ord. No. 116-04.**

**By Mayor Campbell and Council Member Brady.**

**An emergency ordinance to amend Sections 191.0318, 191.0501, 191.0901, and 191.1102, as amended by various ordinances, relating to including lottery and gambling winnings into the definition of taxable income, rate and taxable income, sources of income not taxed, and form and content of return.**

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 following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 191.0318, as amended by Ordinance No. 2393-03, passed November 28, 1966,

Section 191.0501, as amended by Ordinance No. 1619-80, passed

Section 191.0901, as amended by Ordinance No. 78-78, passed March 20, 1978, and

Section 191.1102, as amended by Ordinance No. 2393-03, passed November 28, 1966,

are amended to read as follows:

**Section 191.0318 Taxable Income**  
 "Taxable income" means any and all income or compensation earned or received by an individual or an entity from whatever source before any deduction, that the City is not prohibited from taxing by federal law or state law, or that is not specifically exempted under Section 191.0901 of this chapter. Taxable income shall include, but not be limited to wages, salaries, commissions, profits, fees, lottery winnings and winnings from any and all types of gambling. Taxable income shall include the net profits from the operation of a business, profession, or other enterprise or business activity. Taxable income shall be adjusted in accordance with the provisions of this chapter and any rules and regulations duly adopted under this chapter.

**Section 191.0501 Rate and Taxable Income**

For the purposes specified in Section 191.0101, on and after January 1, 1967, an annual tax of one-half of one percent (0.5%) per annum shall be imposed upon the hereinafter specified income; provided that on an after July 1, 1968, the rate of tax shall be a total of one percent (1%) per annum; and that on and after March 1, 1979, the rate of such tax shall be a total of one and five-tenths percent (1.5%) per annum; and that on and after January 1, 1981, the rate of tax shall be two percent (2%) per annum. Such tax shall be imposed upon the following income:

(a) All wages, salaries, commissions, profits, fees, lottery winnings, winnings from any and all types of gambling, and other compensation earned or received by a resident of the City from whatever source on or after January 1, 1967 that the City is not prohibited from taxing by federal law or state law, or that is not specifically exempted under Section 191.0901 of this chapter, all as adjusted in accordance with the pro-

visions of this chapter and any rules and regulations duly adopted under this chapter;

(b) All salaries, wages, commissions, and other compensation earned on and after January 1, 1967, by nonresidents of the City for work done or services performed or rendered within the City;

(c) (1) The portion attributable to the City on the net profits earned on and after January 1, 1967, of all resident unincorporated business entities or professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the City;

(2) The portion of the distributive share of the net profits earned on and after January 1, 1967, of a resident partner or owner of a resident unincorporated business entity not attributable to the City and not levied against such unincorporated business entity;

(d) (1) On the portion attributable to the City of the net profits earned on or after January 1, 1967, of all nonresident unincorporated business entities, professions or other activities, derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the City, whether or not such unincorporated business entity has an office or place of business in the City.

(2) On the portion attributable to the City of the net profits earned on and after January 1, 1967, of all corporations derived from sales made, work done, services performed or rendered, and business, or other activities conducted in the City, whether or not such corporations have an office or place of business in the City.

**Section 191.0901 Sources of Income Not Taxed**

The tax provided for in this chapter shall not be levied on the following:

(a) Pay or allowance of active members of the armed forces of the United States or the income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property or tax exempt activities;

(b) Poor relief, unemployment insurance benefits, old age pensions or similar payments, including disability benefits received from local, State or Federal governments or charitable, religious, or educational organizations;

(c) Proceeds of insurance paid by reason of the death of the insured; pensions, disability benefits, annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived;

(d) Receipts from seasonal or casual entertainment, amusements, sports events, and health and welfare activities when any such are conducted by bona fide charitable, religious, or educational organizations and associations;

(e) Alimony received;

(f) Personal earnings or any natural person under eighteen years of age;

(g) Compensation for personal injuries or for damages to property by way of insurance of otherwise;

(h) Interest, dividends, and other revenue from intangible property subject to the Ohio Intangible Property Tax or specifically exempted therefrom, provided, however, that this exemption does not apply to lottery, and all gambling winnings from any and all types of gambling;

(i) Gains from involuntary conversion, cancellation of indebtedness, interest on Federal obligations, items of income already taxed by the State which the City is specifically prohibited from taxing, and income of a decedent's estate during the period of administration, except such income from the operation of a business;

(j) Salaries, wages, commissions, and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivisions to impose net income taxes on income derived from interstate commerce;

(k) Salaries, wages, commissions, and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State or any act of the Ohio General Assembly limiting the power of the City to impose net income tax.

**Section 191.1102 Form and Content of Return**

The return shall be filed with the Administrator on a form furnished by or obtainable upon request from such Administrator, setting forth:

(a) The aggregate amounts of salaries, wages, commissions, profits, fees, lottery winnings, winnings from any and all types of gambling, other compensation, and other income earned or received, and gross income from business, profession, or other enterprise or business activity, less allowable expenses incurred in the acquisition of such gross income earned during the preceding year and subject to the tax;

(b) The amount of the tax imposed by this chapter on such earnings and profits; and

(c) Such other pertinent statements, information, returns, or other information as the Administrator may require.

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

Section 191.0318, as amended by Ordinance No. 2393-03, passed November 28, 1966,

Section 191.0501, as amended by Ordinance No. 1619-80, passed

Section 191.0901, as amended by Ordinance No. 78-78, passed March 20, 1978, and

Section 191.1102, as amended by Ordinance No. 2393-03, passed November 28, 1966,

are repealed.

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

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



**Ord. No. 119-04.**  
**By Council Members Westbrook, Cimperman and Jackson.**  
**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Air Services of Cleveland, Inc. for the use and occupancy of certain space in the Secondary Hangar at Cleveland Hopkins International Airport and for ramp and parking areas adjacent to the premises.**

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

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

**Section 1.** That the Director of Port Control ("Director") is authorized to enter into a Lease By Way of Concession ("Lease") with Air Services of Cleveland, Inc. ("Lessee") for the use and occupancy of approximately 36,400 square feet of space known as Bays D and E, and 46,800 square feet of adjacent preferential use ramp area, and 12,480 square feet of space known as Bay F, and 18,720 square feet of adjacent preferential use ramp area in the Secondary Hangar, and preferential use of the parking lot immediately adjacent to the Secondary Hangar (together, the "Premises") at Cleveland Hopkins International Airport for operation of an aircraft hangar and for jet maintenance services. The term of the Lease shall be for a period of ten (10) years (the "Initial Term") with an option by Lessee to extend the term of the Lease for two (2) additional five-year periods (the "First Extended Term" and "Second Extended Term", respectively).

Lessee shall pay rent for use of the Premises as follows: Bays D and E, including associated ramp and parking areas - \$8.50 per square foot per year; Bay F, including associated ramp and parking areas - \$8.65 per square foot per year. The annual rent shall be increased by 5% for the First Extended Term and increased an additional 5% for the Second Extended Term.

Lessee shall make a minimum of \$189,060 in capital improvements to the Premises, and purchase \$173,530 in new equipment during the first year of the Initial Term. The City shall issue credits against rent for the capital improvements made to the Premises by Lessee, provided such improvements are first approved in writing, by the Director. The credits against rent shall be amortized over the first five years of the Initial Term of the Lease. Notwithstanding rent credits issued by the City, Lessee shall pay to the City a minimum annual guaranteed rent of \$7,500 during the Initial Term. Any rent credits not applied during the first five years of the Initial Term shall be forfeited by Lessee.

**Section 2.** That the Lease authorized by this ordinance shall be prepared by the Director of Law and shall contain any additional terms and conditions that the Director deems necessary to protect and benefit the public interest.

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

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

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

**FIRST READING  
 ORDINANCE REFERRED**

**Ord. No. 113-04.**  
**By Council Members Coats, Lewis and Jackson.**

**An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 187A relating to prohibition against ex-offender discrimination.**

Whereas, the Council of the City of Cleveland believes strongly in employment opportunities for all people; and

Whereas, many people who have previous criminal convictions possess the skills and training required for work in a variety of jobs; and

Whereas, despite, the expenditure of millions of dollars in the City of Cleveland on projects recently completed or currently underway, few of the employment opportunities arising from those projects have gone to people who have previous criminal convictions; and

Whereas, persons with previous criminal convictions have served their debt to society and should be permitted to become contributing citizens to our society; and

Whereas, the Council of Cleveland has a genuine interest in preventing persons with previous criminal convictions from repeating criminal offenses; and

Whereas, prevention of employment discrimination against persons with previous criminal convictions will further the interests of the City of Cleveland; and all its residents; now, therefore,

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

**Section 1.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Chapter 187A, to read as follows:

**Chapter 187A  
 Prohibition Against  
 Ex-Offender Discrimination**

**Section 187A.01 Definitions**

For purposes of this chapter, the following words, phrases and terms are defined as follows:

(a) "City" means the City of Cleveland, Ohio.

(b) "Contract" means any agreement whereby the City either grants a privilege, including tax abatement, or is committed to expend or does expend its funds or other resources, or federal grant opportunities, including without limitation, Community Development Block Grants, Urban Development Action Grants and Economic Development Administration Grants in any amount for any purpose.

(c) "Contractor" means any person or company receiving a Contract

from the City of Cleveland, any subdivision of the City, or any individual legally authorized to bind the City pursuant to said contract.

(d) "Director" means the Director of the Office of Equal Opportunity.

(e) "Ex-Offender" means a person or persons who have been convicted of or plead guilty to a previous criminal offense or offenses.

(f) "Subcontractor(s)" means any person or company that assumes by secondary contract some or all of the obligations of the Contractor.

**Section 187A.02 Contractor and Subcontractor, Employment of Ex-Offenders**

(a) Where not otherwise prohibited by federal, state or local law or as terms of federal or state grants; it shall be an unlawful discriminatory practice for any Contractor and/or Subcontractor to deny employment to any Ex-offender because of that person's previous conviction of one or more criminal offenses.

(b) Notwithstanding any other provision of this section, it shall not be an unlawful employment practice to refuse to hire an Ex-offender where the job applied for has a relationship between one or more of the previous criminal offenses and the specific employment sought.

(c) It is not employment discrimination to request an applicant for employment or employee on an application form or otherwise to supply information regarding any previous or pending arrest record or conviction record of the individual.

(d) It is not employment discrimination to request an applicant for employment or an employee to supply information regarding any arrest record or previous criminal conviction when employment depends on the bond ability of the individual under a standard fidelity bond or when an equivalent bond is required by state or federal law, administrative regulation or established business practice of the employer, and the individual may not be bondable due to an arrest record or conviction.

(e) It is not employment discrimination to refuse to employ any individual who is subject to a pending criminal charge if the pending charge or circumstances related thereto reasonably relates to the duties of the particular job sought.

**Section 187A.03 Standards, Procedures and Monitoring**

(a) The Director, consistent with the provisions of this Chapter, shall establish standards and procedures, as the Director deems proper and necessary, to effectively administer the intent and purpose of this Chapter. In creating these standards and procedures and in creating any subsequent modifications thereof, the Director shall work with the Chairperson of the Employment, Affirmative Action and Training Committee. The standards and exceptions shall be effective thirty (30) days after publication in the City Record. However, at least ten (10) days prior to publication in the City Record, the Director shall provide the President of City Council and the Chairperson of the Employment, Affirmative Action and Training Committee with a copy of the proposed standards and procedures.

(b) The Director may require affidavits and other supporting documentation from a Contractor and/or Subcontractor(s) to verify or clarify that an applicant for employment and/or an employee was not discriminated against because of said applicant or employees Ex-offender status.

(c) The Director shall monitor Contractors and Subcontractors regarding progress made in hiring Ex-offenders and report said results to City Council on a quarterly basis.

**Section 187A.04 Violation and Penalty**

(a) Failure to comply with the requirements of Section 187A.02(a) above shall empower the Director to request the Law Department to recover all or any part of the contract price from the Contractor and/or any involved Subcontractor and/or terminate the Contract.

(b) Any retainage to cover contract performance related to the Contract may be held by the City pending the determination by the Director of whether a violation of this Chapter 187A has occurred.

(c) The imposition of any penalty or fine under this section shall not preclude the City from exercising any other rights or remedies to which it is entitled.

**Section 187A.05 Effective Date**

This chapter shall be effective and be in force upon its passage and approval as of \_\_\_\_\_.

**Section 2.** Within sixty (60) days of the passage date of this ordinance, the Director shall finalize the initial standards and procedures in accordance with Section 187A.03 and provide a copy to the Chairperson of the Employment, Affirmative Action and Training Committee. The Director shall ensure that the standards and procedures authorized under Section 187A.03 are created and published so that they are effective prior to \_\_\_\_\_.

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

Referred to Directors of Office of Equal Opportunity, Finance, Law; Committees on Employment, Affirmative Action and Training; Legislation, Finance.

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 100-04.**

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

**An emergency ordinance authorizing the Director of Public Safety to accept services and goods donated by the Cleveland Mounted Police Charitable Trust to care for any and all animals owned by the City of Cleveland and housed at the Cleveland Mounted Unit Stables.**

Whereas, the Cleveland Mounted Police Charitable Trust ("Trust") wishes to donate services and goods to the City to care for any and all animals owned by the City of Cleveland and housed at the Cleveland Mounted Unit Stables; and

Whereas, the Division of Police, Department of Public Safety wishes to accept these services and goods; and

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 accept the donation of services and goods from the Trust for the care of any and all animals owned by the City of Cleveland and housed at the Cleveland Mounted Unit Stables. The Director of Public Safety is authorized to execute all documents necessary to receive the services and goods.

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

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

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

**Ord. No. 101-04.**

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

**An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 2336-03, passed December 15, 2003, as amended, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge, Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge, and the West 74th Street Bridge.**

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

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

**Section 1.** That the title and Sections 1 and 2 of Ordinance No. 2336-03, passed December 15, 2003, as amended by Ordinance No. 1301-97, passed August 13, 1997, and Ordinance No. 2024-2000, passed December 18, 2000, are amended to read as follows:

An emergency ordinance to amend Section 1 of Ordinance No. 1301-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, relating to the cause payment of the City of Cleveland's share to the County of Cuyahoga and the State of Ohio for the cost of rehabilitating and reconstructing West 53rd Street Bridge, Denison Avenue Bridge, Harvard Avenue Bridge, West 65th Street Bridge, and the West 74th Street Bridge.

**Section 1.** That Section 1 of Ordinance No. 1301-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, is amended to read as follows:

**Section 1.** That this Council authorizes payment to the State of Ohio and the County of Cuyahoga of the City's share of the cost of rehabilitating and reconstructing West 53rd Street Bridge over N/S and RTA,

Denison Avenue Bridge over Conrail and N/S, Harvard Avenue Bridge over Wheeling & Lake Erie, West 65th Street Bridge over N/S and RTA, and the West 74th Street Bridge from Fund Nos. 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 52 SF 001, and 58 SF 223, Request Nos. 21947 and 138355.

**Section 2.** That Section 1 of Ordinance No. 1301-97, passed August 13, 1997, as amended by Ordinance No. 2024-2000, passed December 18, 2000, is repealed.

**Section 2.** That the title and Sections 1 and 2 of Ordinance No. 2336-03, passed December 15, 2003, as amended by Ordinance No. 1301-97, passed August 13, 1997, and Ordinance No. 2024-2000, passed December 18, 2000, are repealed.

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

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

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

**Ord. No. 102-04.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 1034 East 70th Street for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to the Consortium for Economic and Community Development, or its designee.**

Whereas, the Director of Community Development has requested the purchase of property located at 1034 East 70th Street for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to the Consortium for Economic and Community Development, or its designee (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

1034 East 70th Street  
Permanent Parcel No. 105-26-110  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 35 in L.S. Fish's Subdivision of part

of Original 100 Acre Lot No. 347as shown by the Recorded Plat in Volume 14 of Maps, Page 48 of Cuyahoga County Records, and being 31 feet front on the Westerly side of East 70th Street (formerly Becker Place) and extending back of equal width 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 3.** That the consideration to be paid for this property shall not exceed one dollar (\$1.00) and other valuable considerations.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 14 SF 029.

**Section 5.** That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

**Section 6.** That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for a price of one dollar (\$1.00) taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 7.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

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

**Ord. No. 103-04.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 3418 East 76th Street for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Slavic Village Development Corporation, or its designee.**

Whereas, the Director of Community Development has requested the purchase of property located at 3418 East 76th Street for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to Slavic Village Development Corporation, or its designee (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

3418 East 76th Street

Permanent Parcel No. 125-36-079

Situated in the County of Cuyahoga, State of Ohio and in the City of Cleveland and known as being Sublot No. 52 in Cook and Hechler Subdivision of part of Original 100 Acre Lot No. 323 and having a frontage of 40.01 feet on the Westerly side of East 76th Street, formerly Phillips Street, and extends back of equal width 125 feet deep, as per plat of said Subdivision in Volume 30 of Maps, Page 25 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 3.** That the consideration to be paid for this property shall not exceed one dollar (\$1.00) and other valuable considerations.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 14 SF 029.

**Section 5.** That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

**Section 6.** That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for a price of one dollar (\$1.00) taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 7.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a pro-

vision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

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

**Ord. No. 104-04.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance to amend Sections 1, 2 and 7 Ordinance No. 1071-02, passed June 17, 2002, relating to the term and funding sources of the contracts for CIJIS Phase III enhancements, a new Case Management system, Voice Over IP Telephone System, and Probation Project, for the Cleveland Municipal Court; to add new section 8 to authorize the Director of Finance to enter into contract for professional services necessary to collect unpaid judgments, costs or other receivables on behalf of the Cleveland Municipal Court; and to renumber existing Section 8 to new Section 9.**

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

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

**Section 1.** That Sections 1, 2, and 7 of Ordinance No. 1071-02, passed June 17, 2002, are amended to read as follows:

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into agreements for CIJIS Phase III Enhancements, a new Case Management system, Voice over IP Telephone system, and Probation Project, including to make a written contract or contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase, license, or lease of each of the following items for a term of not to exceed **eighty four (84) months or such longer period as will result in expiration not later than December 31, 2011:** computer hardware, software, peripherals, supplies, furniture, physical and environmental appurtenances, training materials, insurance, and relocation, installation, implementation, system disaster alleviation and remediation and other services necessary for the operation and enhancement of the Cleveland Integrated Justice Information System ("CIJIS"), for the Cleveland Municipal Court, provided, however, that the Director of Finance, on behalf of the Cleveland Municipal Court, is further authorized to execute as part of or in conjunction with a purchase one or more license agreements for software necessary for operation and/or enhancement of the CIJIS directly with a firm or firms other than the successful bid-

der or bidders if and when such bidder or bidder is not the manufacturer or an authorized licensor of the software.

Section 2. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to employ by contract one or more consultants or computer software maintainers or one or more firms of consultants or computer software maintainers as necessary for the purpose of supplementing the regularly employed staff of the Cleveland Municipal Court in order to provide professional services necessary for software development, network administration, implementation, programming, maintenance, training and other support for the operation and enhancement of the CIJIS, for period of not to exceed 84 months or such longer period as will result in expiration not later than December 31, 2011. The selection of the consultant(s) or maintainer(s) for the services shall be made by the Board of Control on the nomination of the Director of Finance, on behalf of the Cleveland Municipal Court. 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, and approved and certified by the Director of Finance.

Section 7. That the cost of the contracts and licenses authorized by the various sections of this ordinance shall be paid from Fund No. 10 SF 085, 10 SF 086, 10 SF 087, or may be paid from any fund to which are credited any fees that are established by rule of the Cleveland Municipal Court for the cost of the collection of unpaid judgments, costs or other receivables, whether collected by the Court itself or collected by a vendor selected under the authority of Section 8 of this ordinance, and any such fees charged for the cost of collection are appropriated for this purpose.

Section 2. That existing Sections 1, 2 and 7 of Ordinance No. 1071-02, passed June 17, 2002, are repealed.

Section 3. That Ordinance No. 1071-02, passed June 17, 2002, is further amended by renumbering existing Section 8 to read "Section 9" and by adding new Section 8 to read as follows:

Section 8. That the Director of Finance, on behalf of the Cleveland Municipal Court, 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 collect unpaid judgments, costs or other receivables. The contract or contracts shall be for period of not to exceed 84 months or such longer period as will result in expiration not later than December 31, 2011. The selection of the consultants and the fixing of compensation for the services shall be made by the Board of Control. The contract or contracts authorized by this section shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

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.

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

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

**Ord. No. 109-04.**

**By Council Member Jackson.**

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-043 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 127-16-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., and extending back between parallel lines 122.04 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-044 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 127-16-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 74 in Jay E. Latimer's Subdivision

of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., (formerly Roy Street) and extending back of equal width 122.04 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-045 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 127-16-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 75 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Bessemer Avenue S.E. and extending back of equal width 122.04 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-048 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 127-16-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 78 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of (Roy Street), now known as Bessemer Avenue, S.E., and 122.04 feet deep, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-049 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 127-16-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot 79

in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., and extending back of equal width 122.04 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-050 as more fully described below, to Burten, Bell, Carr Development, Inc.

**Section 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 127-16-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 80 in Jay Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441, as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being 35 feet front on the Southerly side of Bessemer Avenue, S.E., (formerly Roy Street) and extending back of equal width 122.04 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-054 as more fully described below, to Burten, Bell, Carr Development, Inc.

**Section 14.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 127-16-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows, to wit:

And known as being Sublot No. 84 in Jay E. Latimer's Subdivision of part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 16 of Maps, Page 23 of Cuyahoga County Records and being a parcel of land 35 feet front on the Southerly side of Bessemer Avenue (formerly Roy Street) and extending back of equal width, 122.04 feet as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 127-16-075 as more fully described below, to Burten, Bell, Carr Development, Inc.

**Section 16.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 127-16-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Jay E. Latimer's Subdivision of a part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 16 of Maps,

Page 23 of Cuyahoga County Records and being 35 feet front on the Northerly side of Bessemer Avenue and 122 feet deep, be the same more or less, but subject to all legal highways.

**Section 17.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 18.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 19.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 20.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Ord. No. 111-04.**

**By Council Members Jones, White, Reed, Johnson and Britt.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance No. 2253-03, passed November 17, 2003 as it pertains to the Thoughtful Mediation Program through the use of Ward 1, 2, 3, 4 and 6 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title of Ordinance No. 2253-03, passed November 17, 2003 is hereby amended to read as follows:

**An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with a for-profit or non-profit organization serving as the fiscal agent for Thoughtful Mediation, Incorporated to provide a Neighborhood Mediation project through the use of Wards 1, 2, 3, 4 and 6 Neighborhood Equity Funds.**

**Section 2.** That Section 1 of Ordinance No. 2253-03, passed November

17, 2003 is hereby amended to read as follows:

**Section 1. That the Director of Community Development is authorized to enter into or amend contracts with a for-profit or non-profit organization serving as the fiscal agent for Thoughtful Mediation, Incorporated to provide a Neighborhood Mediation project for the public purpose of providing conflict resolution services to residents residing in the City of Cleveland through the use of Wards 1, 2, 3, 4 and 6 Neighborhood Equity Funds.**

**Section 3.** That the Title and Section 1 of Ordinance No. 2253-03, passed November 17, 2003 is hereby repealed.

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

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

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

**Ord. No. 114-04.**

**By Council Member Conwell.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Parkworks, Inc. for the Landscape Training Program through the use of Ward 9 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement effective May 1, 2002 to June 30, 2004 with Parkworks, Inc. for the Landscape Training Program for the public purpose of providing landscape technical training to Cleveland residents through the use of Ward 9 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$3,450 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

**Res. No. 105-04.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 9209 Quincy Avenue and repealing Resolution No. 1287-03, objecting to said renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 9209 Quincy Avenue by Resolution No. 1287-03 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, Patricia J. Britt and Applicant, Abed Abuhamedh, President, 9209 Quincy, Inc., DBA Sammor Corner, 9209 Quincy Avenue, Cleveland, Ohio 44106, Permanent Number 6416769, 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 C2 and C2X Liquor Permit to 9209 Quincy, Inc., DBA Sammor Corner, 9209 Quincy Avenue, Cleveland, Ohio 44106 Permanent Number 6416769 be and the same is hereby withdrawn and Resolution No. 1287-03, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 106-04.**

**By Council Member Coats.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 18029 Euclid Avenue and repealing Resolution No. 1305-03, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 18029 Euclid Avenue by Resolution No. 1305-03 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, Roosevelt Coats and Applicant, Samuel Jemison, President of JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112,

Permanent Number 4403791, 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 JRH, Inc., DBA Johnny & Co., 18029 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4403791 be and the same is hereby withdrawn and Resolution No. 1305-03, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 107-04.**

**By Council Member Johnson.**

**An emergency resolution withdrawing objections to the transfer of ownership and renewal of a C2 and C2X Liquor Permit at 9621 Mt. Auburn Road, 1st Floor and Basement and repealing Resolution Nos. 1761-02 and 1321-03, objecting to said transfer and renewal.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Floor and Basement by Resolution No. 1761-02 adopted by the Council on September 9, 2002 and Resolution No. 1321-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objections to the above transfer and renewal and consents to said transfer and renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Applicant, Sshadi Banna, President, East 97th Food Market, Inc., DBA Eastside Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 2403466-0005, 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 C2 and C2X Liquor Permit to East 97th Food Market, Inc., DBA Eastside Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 2403466-0005 be and the same is hereby withdrawn and Resolution Nos. 1761-02 and 1321-03, containing such objections, be and the same is hereby repealed and

that this Council consents to the immediate transfer and 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 108-04.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 14510 Kinsman Avenue and repealing Resolution No. 1349-03, objecting to said renewal.**

Whereas, this Council objected to a C1 Liquor Permit to 14510 Kinsman Avenue by Resolution No. 1349-03 adopted by the Council on July 16, 2003; and

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

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

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

**Section 1.** That objection to a C1 Liquor Permit to 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670 be and the same is hereby withdrawn and Resolution No. 1349-03, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 117-04.**

**By Council Members Conwell, Brady, Cintron, Britt, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.**

**An emergency resolution declaring this Council's support of the "Women Honoring Women" movement to obtain more than 10 million signatures supporting the declaration of Rosa Parks' birthday as a national holiday.**

Whereas, "Women Honoring Women" is an organization that was formed for the sole purpose of promoting a campaign to declare a national holiday that honors a woman; and

Whereas, all national holidays currently honor men; and

Whereas, Rosa Parks refused to give up her seat to a white person on a Montgomery Alabama bus and this refusal sparked the bus boycott that later led to the Civil Rights Movement in this country; and

Whereas, this heroic action by Rosa Parks is worthy of honor; and

Whereas, Rosa Parks continues to dedicate her life to the cause of universal human rights; and

Whereas, "Women Honoring Women" is proposing that the United States Congress proclaim a national holiday on Rosa Parks' birthday, February 4th, to honor her as American hero while she still lives, to give recognition to a female hero, and to celebrate the powerful impact that one person's activities can have in the world; and

Whereas, "Women Honoring Women" is working to obtain more than 10 million signatures in support of declaring Rosa Parks' birthday, February 4th, a national holiday; and

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

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

**Section 1.** That this Council hereby declares its support of the "Women Honoring Women" movement to obtain more than 10 million signatures supporting the declaration of Rosa Parks' birthday, February 4th, a national holiday.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 118-04.**

**By Council Members Conwell and Pierce Scott.**

**An emergency resolution declaring Cleveland City Council's support of the proposal of Northeastern Neighborhood Development Corporation 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, Northeastern Neighbor-

hood Development Corporation HDAP Homes is proposing to develop up to eleven (11) new single-family homes in the city of Cleveland by utilizing the Housing Development Assistance Program ("HDAP"); 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 Northeastern Neighborhood Development Corporation 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 Northeastern Neighborhood Development 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 120-04.**

**By Council Members Zone, Jackson, Johnson, Gordon, Britt, Coats, Cimperman, Westbrook, Polensek, Brady, White, O'Malley, Reed, Lewis, Jones and Conwell.**

**An emergency resolution urging Senator George Voinovich to reconsider introducing amendments to Senate Bill 1072, which would diminish or even eliminate statutory environmental protections for parks, wildlife areas and historic sites across the country in the name of speeding up delivery of highway transportation projects.**

Whereas, Senate Bill 1072, the reauthorization of the Transportation Equity Act for the 21st Century ("TEA-21"), currently allows highway construction to impact parks, wildlife refuges and historic sites only if there is no prudent or feasible alternative; and

Whereas, Senator George Voinovich wants to introduce amendments to Senate Bill 1072, specifically to Section 4(f), to "streamline the environmental review process" to speed up delivery of highway projects; and

Whereas, these amendments to Section 4(f) would actually reduce or even eliminate hard fought statutory environmental protections for

public parks, historic sites and wildlife refuges during highway construction; and

Whereas, in reality, no more than 8% of projects have been delayed by historic, cultural, or environmental reviews currently mandated by the TEA-21; and

Whereas, many states have made progress using existing laws and regulations, including Section 4(f), and have delivered highway projects in a timely manner, without sacrificing environmental concerns; and

Whereas, it is important to maintain the statutory protection that our historic sites, wildlife refuges and parks have had in the past; and

Whereas, while there is legitimate interest in streamlining highway project delivery, improvements may be found by changing other areas of federal law, not by eliminating environmental protections desperately needed by the nation's parks, historic sites and wildlife refuges; and

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

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

**Section 1.** That this Council hereby urges Senator George Voinovich to reconsider introducing amendments to Senate Bill 1072, which would diminish, or even eliminate, statutory environmental protections for parks, wildlife areas and historic sites across the country in the name of speeding up delivery of highway transportation projects.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Senator George Voinovich, Senator Mike DeWine, the National Recreation and Park Association, ParkWorks, the National League of Cities and the Ohio Municipal League.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 121-04.**

**By Council Members Cintron, Coats and Brady.**

**An emergency resolution strongly urging the Pension Benefit Guarantee Corporation to suspend any plans to avoid payment of pensions promised to former Republic Technologies International employees and strongly urging the Pension Benefit Guarantee Corporation not to appeal the federal court decision on this matter.**

Whereas, this Council adopted Resolution No. 1434-02 on July 17, 2002 urging the Pension Benefit Guarantee Corporation to pay steelworkers who contributed to the Republic Technologies International Pension Plan shutdown benefits as

such benefits were earned by the steelworkers; and

Whereas, a federal judge has ruled in favor of paying shutdown benefits to the steelworkers; and

Whereas, the Pension Benefit Guarantee Corporation plans to appeal this ruling; and

Whereas, many families were forced to postpone their retirement and other plans for their families during the wait for pension payments; and

Whereas, many families are struggling to make ends meet as they have not received the benefits they earned; and

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

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

**Section 1.** That this Council strongly urges the Pension Benefit Guarantee Corporation to suspend any plans to avoid payment of pensions promised to former Republic Technologies International employees and strongly urges the Pension Benefit Guarantee Corporation not to appeal the recent federal court decision on this matter as such appeal would result in unnecessary expenses for American taxpayers.

**Section 2.** That the Clerk of Council is hereby directed to transmit a copy of this resolution to George W. Bush, President of the United States, and Elaine L. Chao, Secretary, United States Department of Labor.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 2092-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of food and beverage items, golf-related items, equipment and supplies, and labor and materials necessary to maintain and operate the Highland and Seneca Golf Courses, for the Division of Recreation, Department of Parks, Recreation and Properties, for a period of two years.

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

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

##### Ord. No. 2137-03.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of the rental and laundry of work clothing, for the various divisions of City government.

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

1. In Section 1, line 3, strike "or two years".

2. In Section 1, strike line 11 through the end and insert "**is made for the requirements for the entire term.**".

Amendments agreed to.

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

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

##### Ord. No. 2237-03.

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

An emergency ordinance to amend the title of Ordinance No. 1176-03, passed July 16, 2003; to supplement the ordinance by adding new Section 2; and to renumber existing Sections 2 and 3 to new Sections 3 and 4, relating to one or more contracts without competitive bidding for the purchase of computer hardware maintenance, for the Departments of Community Development and Building and Housing.

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

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

##### Ord. No. 2325-03.

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

An emergency ordinance to amend the title and the third whereas clause of Ordinance No. 378-03, passed March 10, 2003, as amended by Ordinance No. 1250-03, passed July 16, 2003, relating to an Enterprise Zone Agreement with Gebauer Company.

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

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

##### Ord. No. 2405-03.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Loftworks, LLC to provide economic development assistance to partially finance the interior renovation of a live/work building located at 1667 East 40th Street, and all other associated costs to redevelop the property located in Cleveland, Ohio.

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

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

##### Ord. No. 2436-03.

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

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

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

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

##### Ord. No. 2439-03.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Cuyahoga County Employment and Family Services for the Employment and Family Services Neighborhood Family Services Program, for Workforce Development; and authorizing an agreement with the County of Cuyahoga to implement the program.

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

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

#### SECOND READING ORDINANCES PASSED

##### Ord. No. 1520-03.

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

An ordinance to repeal Sections 699.01 through 699.18 and 699.99 as enacted or amended by various ordinances of the Codified Ordinances of Cleveland, Ohio, 1976 relating to Picture Arcades and Live Viewing Booths; and to enact new Sections 237.01 through 237.09 and 237.99 relating to Adult Video Arcades and Adult Live Entertainment Arcades.

Approved by Directors of Public Safety, Public Health, Law; Relieved of Committee on Legislation; Passage recommended by Committees on Public Safety, Health and Human Services, Finance; when amended as follows:

1. In Section 2, at new Section 237.01, line 2, strike "(a)"; and in line 9, strike "sexual" and insert "**sexually**".

2. In Section 2, at new Section 237.02, line 2, before "The" insert "**(a)**"; and at the end insert:

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



3. In Section 2, at new Section 237.03(b), line 8, strike "purpose from at least one of the manager's stations" and insert "purpose, from all of the manager's stations combined"; at division (c), line 2, between "video" and "reproduction" insert a hyphen; at division (d), line 3, strike "subsection (2)" and insert "division (b)"; at division (e), line 1, between "overhead" and "lighting" insert a hyphen; at division (i), line 2, after "agents" strike the comma; at division (j), line 2, after "employee" insert a comma; in division (k), line 2, after "employee" insert a comma; in division (l), line 2, after "employee" insert a comma; and in division (m), line 2, after "employee" insert a comma.

4. In Section 2, at new Section 237.04(a), line 2, strike "which" and insert "that"; in division (b), line 2 and in line 4, strike "which" in both places and insert "that".

5. In Section 2, at new Section 237.06, line 2, strike "utilization" and insert "the Arcade's use".

6. In Section 2, at new Section 237.07, line 3, strike "which" and insert "that"; and in line 5, strike "them" and insert "it".

7. In Section 2, at new Section 237.08, line 5, after "clause" insert a comma; and in line 6, after "invalidity" insert a comma.

8. In Section 2, at new Section 237.99, line 3, after "237.04" insert a comma.

9. Insert new Sections 2 and 3 to read as follows:

**"Section 2. That within ten (10) days of the passage of this legislation, the Director of Public Health shall send a notice, by certified and regular mail, to all Adult Video Arcades and Adult Live Entertainment Arcades located in the City of Cleveland, informing them of the passage of this legislation and providing them with a copy of this legislation.**

**Section 3. That lawfully established Adult Video Arcades and Adult Live Entertainment Arcades in existence on the date of the passage of this legislation will have until August 1, 2004, to come into compliance with the law. All other businesses must be in compliance from the effective date of this legislation."**

10. Renumber existing Section 2 and Section 3 to "Section 3" and "Section 4".

Amendments agreed to.

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

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

**Ord. No. 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).

Approved by Directors of City Planning Commission, Law; Passage

recommended by Committee on City Planning.

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 2434-03.**

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

An emergency resolution declaring the necessity and intention to appropriate property for the public use of extending Bessemer Avenue.

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

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

**LAID ON THE TABLE**

**Ord. No. 981-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ a professional consultant to provide shuttle services to employees at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into an amendment to City Contract No. 48042 with APCOA, Inc. to provide for the processing of payments to such consultant.

Without objection, Ordinance No. 981-02 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 981-02 tabled.

**MOTION**

By Council Member Brady seconded by Council Member Johnson and unanimously carried that the absences of Council Members Michael Dolan and Sabra Pierce Scott, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:03 p.m. to meet on Monday, February 2, 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**

The following is a corrected version of Board of Control Resolution No. 717-03, rejected November 26, 2003, which was originally printed in the December 3, 2003 City Record:

**Resolution No. 717-03.**

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company for the public improvement of Various Parks Site Improvements, for Base Bid Items #A1 - #A12 including the 5% contingency (Helen Simpson Park), Base Bid Items #B1 - #B12 including the 5% contingency (Orr Park) and Base Bid Items #C1 - #C46 and Add Alternate Items #CAA1 - #CAA5 including the 5% contingency (Thurgood Marshall Park) for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on August 13, 2003, pursuant to the authority of Ordinance No. 1748-99 and Ordinance No. 1114-02 passed on April 17, 2000 and June 17, 2002, upon a unit basis for the improvement in the aggregate amount of Five Hundred Nine Thousand Nine Hundred Seventy Eight and 18/100 Dollars (\$509,978.18), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. DiLillo & Company for the aforementioned public improvement hereby is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Site Electric	\$80,000.00	— 15.69%
West Asphalt	\$59,000.00	— 11.57%
K & L Sealers	\$30,000.00	— 5.88%
Carrick Landscaping	\$28,008.94	— 5.49%
Great Northern Fence	\$17,800.00	— 3.49%
Tech Ready Mix (MBE)	\$15,000.00	— 3.41%
Barrow Sign (FBE)	\$ 3,600.00	— 0.24%

Yeas: None.

Nays: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Director Brown, Directors Sims and Fumich.

Absent: Directors Taylor and Williams.

**BOARD OF CONTROL**

January 21, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 21, 2004, at 10:30 a.m. with Acting Mayor Chandra presiding.

Present: Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Donna Felder, Acting Director, Office of Equal Opportunity.

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

**Resolution No. 15-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of General Safety Equipment, LLC for an estimated quantity of utility truckster w/box bed, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on December 10, 2003, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to Twenty-Eight Thousand Nine Hundred Eleven and 00/100 (\$28,911.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130190 which shall be certified against such contract in the sum of Twenty-Eight Thousand Nine Hundred Eleven and 00/100 Dollars (\$28,911.00).

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

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 16-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sauber Mfg. Co. for an estimated quantity of pole dinkey, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on November 12, 2003, pursuant to the authority of Ordinance No. 1169-03, passed by the

Council of the City of Cleveland on July 16, 2003, which on the basis of the estimated quantity would amount to Fifteen Thousand Two Hundred Forty-Four and 00/100 (\$15,244.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 130189 which shall be certified against such contract in the sum of Fifteen Thousand Two Hundred Forty-Four and 00/100 (\$15,244.00).

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

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 17-04.**

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that the bid of The Glidden Company dba ICI Paints, for an estimated quantity of paint and paint supplies, group I, items nos. 1-4, 6-11, 14-15, 19-20, 22, 26-28, 30-31, 33-37, 39-46, 48-59, 61-62, 64-80, 82-84, 87, 91-93 and group II, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on December 10, 2003 pursuant to the authority of Ordinance No. 2026-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Fifty-Eight Thousand One Hundred Twenty Three and 40/100 Dollars (\$58,123.40), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142825

which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 18-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sherwin-Williams Company, for an estimated quantity of paint and paint supplies, group I, items nos. 5, 12-13, 16-18, 21, 23-25, 29, 32, 38, 47, 60, 63, 81, 85-86, 88-90, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on December 10, 2003, pursuant to the authority of Ordinance No. 2026-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Thirty Thousand Forty-Seven and 82/100 Dollars (\$30,047.82), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 143184

which shall be certified against such contract in the sum of One Thousand Five Hundred Two and 40/100 Dollars (\$1,502.40).

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

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 19-04.**

By Director Mok.

Whereas, pursuant to Section 571.85 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to fix fees for parking aircraft on City-owned and operated ramp areas at Cleveland Hopkins International Airport and Burke Lakefront Airports in such amounts as said Director deems appropriate, and as approved by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Section 571.85 C.O., the following fees fixed by the Director of Port Control for parking aircraft at non-leased, City-owned and operated ramp areas adjacent to the terminal building at Cleveland Hopkins International Airport, are hereby approved:

Public Aircraft: No Charge

Private Aircraft, Commercial Aircraft, Corporate Aircraft Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes: \$100.00

Be it further resolved by the Board of Control of the City of Cleveland, that pursuant to Section 139.051 of the Codified Ordinances of Cleveland, Ohio, 1976, the following

charges for landing fees at Burke Lakefront Airport, as fixed by the Commissioner of Burke Lakefront Airport, are hereby approved:

**LANDING FEES**

Public Aircraft: No Charge

Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes —

Single Engine Aircraft and Helicopters: \$5.00

Multi-Engine Aircraft by Gross Weight as follows:

0 - 5,000 lbs.	Up to \$ 7.00
5,001 - 10,000 lbs.	Up to \$10.00
10,001 - 12,500 lbs.	Up to \$12.00
12,501 - 97,999 lbs.	Up to 1.50 per 1,000 lbs. gross wt.
98,000 lbs. and over	Up to \$2.00 per 1,000 lbs. gross wt.

Be it further resolved that pursuant to Section 571.85 of the Codified Ordinances of Cleveland, Ohio, 1976, the following fees fixed by the Director of Port Control for parking aircraft on city-owned and operated ramp areas at Burke Lakefront Airport, are hereby approved:

**DAILY PARKING/TIE-DOWN FEES ON DESIGNATED CITY RAMPS**

Public Aircraft: No Charge

Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes —

For periods from 0 - 2 hours: No Charge

For periods from 2 - 24 hours, and for each additional 24 hour period, or portion thereof as follows:

Single-Engine Aircraft and Helicopters: \$ 5.00

Multi-Engine Aircraft by weight as follows:

0 - 10,000 lbs.	\$ 5.00
10,001 - 12,500 lbs.	\$10.00
12,501 lbs. and over	\$1.00 per 1,000 lbs. gross wt.

**MONTHLY PARKING/TIE-DOWN FEES ON CITY DESIGNATED RAMPS**

Single-Engine Aircraft and Helicopters: \$ 50.00

Multi-Engine Aircraft by weight as follows:

0 - 10,000 lbs.	\$ 50.00
10,001 lbs. and over	\$100.00

For the purpose of this Resolution, the following definitions shall apply:

“Commercial Aircraft” shall mean an aircraft carrying persons, or property for compensation or hire.

“Corporate Aircraft” shall mean a company-owned aircraft transporting persons or property for business purposes.

“Gross Weight” shall mean the maximum allowable certificated gross landing weight.

“Private Aircraft” shall mean an aircraft that is not a Commercial Aircraft, Corporate Aircraft, Public Aircraft, or Scheduled Air Carrier Aircraft.

“Public Aircraft” shall mean an aircraft used in the service of a government entity at the local, state or federal level.

“Scheduled Air Carrier” shall mean an airline that submits schedules in advance and reports landings on a monthly basis to the Department of Port Control.

Be it further resolved that Resolution No. 161-03, adopted March 19, 2003, is hereby rescinded, and that the rates herein fixed shall be in force and effect for a period not to exceed one year from March 1, 2004 through February 28, 2005.

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 20-04.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Article 8 of the Agreement and Lease between the City of Cleveland and the Original Scheduled Airlines and the Additional Scheduled Airlines, the 2004 Annual Budget and calculation of the Rentals and Landing Fee Rates shall be adopted and effective as of January 1, 2004.

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 21-04.**

By Director Ricchiuto.

Whereas, by Resolution No. 5-04, adopted January 7, 2004, this Board of Control authorized the Director of Public Service to enter into an agreement with HWH Architects Engineers Planners, Inc., for the building improvements for 205 St. Clair new data center; and

Whereas, said Resolution No. 5-04 states the incorrect spelling of a subconsultant, now, therefore

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 5-04, adopted January 7, 2004, is hereby amended by replacing the words “Rosstech/KDJ Group, LLC” with “RossTek/KDJ Group, LLC” in the third line in the fifth paragraph.

Be it further resolved, that all other provisions of said Resolution No. 5-04 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 22-04.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Rocal Inc. for purchase of

Aluminum Blanks and Signs items 1, 2, and 3 used for the fabrication of traffic signs for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on November 7, 2003, pursuant to the authority of Ordinance No. 371-03, passed March 24, 2003, which on the basis of the estimated quantity would amount to One Hundred and Fourteen Thousand Nine Hundred and Sixty Nine Dollars (\$114,969), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby authorized to enter into a requirement contract for such goods which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 139715**

which shall be certified against such contract in the sum of Fifteen Thousand Dollars (\$15,000).

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

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 23-04.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on November 20, 2003, for Steel Channel Posts, items 5A, 5B, 5C, and 5D, for the Division of Traffic Engineering and Parking, Department of Public Service, pursuant to the authority of Ordinance No. 371-03, passed by the Council of the City of Cleveland on March 24, 2003, are hereby rejected.

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

**Resolution No. 24-04.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on November 7, 2003, for credit on salvaged aluminum, item 4, for the Division of Traffic Engineering and Parking, Department of Public Service, pursuant to the authority of Ordinance No. 371-03, passed by the Council of the City of Cleveland on March 24, 2003, are hereby rejected.

Yeas: Acting Mayor Chandra, Directors Chandra, Baker, Konicek, Acting Director McGraw, Director Ricchiuto, Acting Director Pettus, Directors Ronayne, Routen and Sims.

Nays: None.

Absent: Directors Carroll, Hudecek, Fumich, Taylor and Williams.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

MONDAY, FEBRUARY 9, 2004

9:30 A.M.

**Calendar No. 04-14:** 18901 St. Clair Avenue (Ward 11)

David A. Pysell, owner, appeals to establish use as a used car lot and repair an existing 70' x 90' one-story brick building situated on an approximate 172' x 248' irregular shaped corner parcel located in a General Industry and Semi-Industry District on the northeast corner of St. Clair Avenue and Nottingham Road at 18901 St. Clair Avenue; contrary to the Off-Street Parking and Loading Requirements in Section 349.04(f) where the provision for off-street parking must be the equivalent of 25% of the gross lot area and no parking is proposed and Section 349.07(a) that requires off-street parking and maneuvering areas to be surfaced with concrete or asphalt and contrary to the Landscaping and Screening Requirements, there is no landscaping where 4' wide frontage landscaping strips are required along Nottingham Road and St. Clair Avenue as stated in Section 352.10 of the Codified Ordinances.

**Calendar No. 04-15:** 18235 Euclid Avenue (Ward 10)

Kimco of Ohio, Inc., owner c/o Thomas M. Shine, agent, appeal to maintain existing dumpsters that are not screened nor enclosed and are located along the rear of a one-story masonry shopping center, situated on a 273' x 963' parcel located in a General Retail Business District and a Shopping Center District on the north side of Euclid Avenue at 18235 Euclid Avenue; contrary to

the provisions for Specific Uses Regulated, where no dumpster may be visible from the public street nor from lots designated for residential purpose and there is no fence proposed and all trash areas are required to be screened with opaque fencing that is not lower than the height of the refuse containers as stated in Section 347.08(a) of the Codified Ordinances.

**Calendar No. 04-16:** 4553 West 130th Street (Ward 20)

Richard Bogdan, owner, appeals to change to an auto repair (muffler and exhaust installation and repair) the use of an existing 47' x 92' one-story masonry building situated on a 132' x 135' parcel located in a General Retail Business District on the east side of West 130th Street at 4553 West 130th Street; contrary to Section 343.11 of the Business Districts Regulations, where auto repair is not permitted in a General Retail Business District but first permitted in a Semi-Industry District, provided that it is 100' away from any Residential District and contrary to Sections 352.08 through 352.11 of the Landscaping and Screening Requirements, no landscaping is proposed and a 10' wide transition landscape strip is required where the use abuts the One-Family District to the rear and subject to the provisions under Enforcement and Penalty that require a detailed site plan to be submitted as stated in Section 327.02 of the Codified Ordinances.

**Calendar No. 04-17:** 6966 Broadway Avenue (Ward 12)

The Alliance of Poles c/o Francis Rutkowski, appeals to install an 8' high wood fence to enclose a dumpster and two air conditioner units at the rear of a two-story brick building that is situated on a 50' x 147' irregular shaped corner parcel in a General Retail Business District at the southwest corner of Broadway and Forman Avenues at 6966 Broadway Avenue; contrary to Section 352.09 of the Landscaping and Screening Requirements, where the proposed enclosure for the dumpster and air conditioner units is not permitted in the 10' wide transition strip that is required to separate the business district from the abutting residential district and contrary to the Fence Regulations, an 8' high fence is proposed where a fence in the actual rear yard shall not exceed 6' in height as stated in Section 358.05(a)(2) of the Codified Ordinances.

**Calendar No. 04-20:** 410 East 152nd Street (Ward 10)

The Cleveland Municipal School District c/o Lester Cumberlander, agent, appeal to erect a two-story, 83,583 s/f, kindergarten through 8th grade public school for 631 students and 75 faculty members on an acreage parcel, located in a Two-Family District and a Multi-Family District on the southwest corner of East 152nd Street and Lucknow Avenue; contrary to the Residential Districts Regulations, where a public school in a Two-Family District requires the Board of Zoning Appeals approval as stated in Section 337.02(f)(3)A and Section 337.03 of the Codified Ordinances.

**Calendar No. 04-23:** 701 W. Lakeside Avenue (Ward 13)

Pinnacle 701 LLC, c/o Gus Georgalis, owner, appeals to erect a three level parking garage addition and erect six additional floors for 80 residential apartment units, over an existing two-story brick and concrete parking garage building for a total of eleven stories, all situated on an approximate 167' x 300' irregular shaped parcel located in a Limited Retail Business District on the south side of West Lakeside Avenue at 701-705 West Lakeside Avenue; contrary to Section 355.04(a) of the Area Regulations, where the maximum floor area in a "D" District is one-half the lot size area or 37,392 s/f and there is 261,471 s/f proposed and contrary to the Yards and Courts Requirements, where no rear yard is proposed and a 20' rear yard is required as stated in Section 357.08(b)(2) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

MONDAY, JANUARY 26, 2004

At the meeting of the Board of Zoning Appeals on Monday, January 26, 2004, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 03-343:** 2202 Superior Avenue

Renee and Brian Heller appealed to change the third floor of a four-story building to a live-work use in a Semi-Industry District.

**Calendar No. 03-346:** 1194 East 79th Street

The Shiloh Temple House of God appealed to construct a 114' x 120' parking lot in a General Retail Business District.

**Calendar No. 03-275:** 15255 Triskett Road

Ohio Leitina Company and Family Video appealed to construct a video rental store and parking lot in a General Retail Business and Multi-Family District; subject to a revised plan.

The following appeals were **Denied:**

**Calendar No. 03-348:** Appeal of Abdissalam Abdi Hack License Suspension

Abdissalam Abdi appealed from the suspension of a City of Cleveland Hack License issued by the Commissioner of Assessments and Licenses.

**Calendar No. 03-314:** 9410-14 Lorain Avenue

Albert Coreno, owner, and Yousif Hamdeh, tenant, appealed from a Violation Notice issued by the Building and Housing Department for illegal conversion of the premises in a Local Retail Business District.

The following appeal was administratively rescheduled as 3500 East 147th Street for the location:

**Calendar No. 03-344:** 885 East 146th Street  
The Cleveland Municipal School District appealed to construct a two-story elementary middle school building in a Two-Family District.

The following appeal was **Withdrawn:**

**Calendar No. 03-345:** 9730 Denison Avenue  
Angel and Norma Dones appealed to change a two-story mixed use building from a store and two dwelling units to a church and two dwelling units in a Local Retail Business District.

The following appeal was **Postponed:**

**Calendar No. 03-323:** 9410-14 Lorain Avenue postponed to March 1, 2004.

**On Monday, January 26, 2004, in Executive Session:**

The following appeals were heard by the Board on Tuesday, January 20, 2004, and said decisions were approved and adopted in Executive Session on Monday, January 26, 2004:

The following appeals were **Approved:**

**Calendar No. 03-338:** 18920 Fairville Avenue  
Diane Muzychenko appealed to erect a 16' x 10' frame front porch to a one family dwelling in a One-Family District.

**Calendar No. 03-339:** 2062 East 30th Street  
Zion Evangelical Lutheran Church appealed to install 72 l/f of 6'4" high ornamental fence with a gate at the front of a church in a General Retail Business District; with the condition that fence be a 6' height.

**Calendar No. 03-342:** 15721-23 Waterloo Road  
Northeast Shore Development Corporation appealed to expand a day care use by making used of an additional 590 s/f of floor space in a two-story office and day care building in a Local Retail Business District.

**Calendar No. 03-299:** 2800 East 90th Street  
Lomack Drum Company appealed to change the use of an existing factory building to vehicle maintenance and shredding of plastic drums in a General Industry District; subject to conditions regarding fence installation.

The following appeals were **Denied:**

**None.**

Motion for Rehearing:

**Calendar No. 03-341:** 1871 West 25th Street  
Rialto Corporation, owner, and Moda, tenant, appealed to expand a nonconforming night club in a General 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**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, FEBRUARY 11, 2004**

**Kirtland Intake Crib Painting,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2096-2000, passed by the Council of the City of Cleveland, March 26, 2001.

**THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWO-HUNDRED DOLLARS**

(\$200.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, JANUARY 30, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**Burials for the Indigent Dead,** for the Division of Vital Statistics, Department of Public Health, as authorized by Ordinance No. 1020-03, passed by the Council of the City of Cleveland, June 10, 2003.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 5, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.**

January 21, 2004 and January 28, 2004

**THURSDAY, FEBRUARY 12, 2004**

**Furniture for Various Division of Recreation Centers,** for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-03, passed by the Council of the City of Cleveland, July 16, 2003.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, FEBRUARY 4, 2004 AT 10:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM #8, CLEVELAND, OHIO 44114.**

January 21, 2004 and January 28, 2004

**FRIDAY, FEBRUARY 13, 2004**

**Laboratory Services for Water Quality Analysis,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, JANUARY 30, 2004 AT 10:00 A.M., CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.**

January 21, 2004 and January 28, 2004

**WEDNESDAY, FEBRUARY 18, 2004**

**Ductline Installation/Repair and Streetlighting,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2225-03, passed by the Council of the City of Cleveland, December 15, 2003.

**THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 5, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

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

January 21, 2004 and January 28, 2004

**FRIDAY, FEBRUARY 13, 2004**

**Maplewood Park Concession Facility**, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 5, 2004 AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM #517, CLEVELAND, OHIO 44114.

**Office Panels/Workstations**, for the Office of Workforce Development, Department of Economic Development, as authorized by Ordinance No. 1518-03, passed by the Council of the City of Cleveland, November 17, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 5, 2004 AT 10:00 A.M., 1701 EAST 13TH STREET, CLEVELAND, OHIO 44114.

January 28, 2004 and February 4, 2004

**WEDNESDAY, FEBRUARY 18, 2004**

**Cleaning and Cement Mortar Lining Area-A 2004**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2308-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 6, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Labor & Materials to Maintain, Repair and Replace Substation Equipment**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 999-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 10, 2004 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

January 28, 2004 and February 4, 2004

**FRIDAY, FEBRUARY 20, 2004**

**Cleaning and Cement Mortar Lining Area-B 2004**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2308-03, passed by the Council of the City of Cleveland, December 15, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 6, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 28, 2004 and February 4, 2004

**FRIDAY, FEBRUARY 27, 2004**

**Ford Passenger/Police Car Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1981-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, FEBRUARY 9, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Remanufactured Auto/Light Truck Transmissions**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1974-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, FEBRUARY 9, 2004 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

January 28, 2004 and February 4, 2004

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

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**COUNCIL COMMITTEE MEETINGS**

**Tuesday, January 20, 2004  
9:30 a.m.**

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

**Wednesday, January 21, 2004  
9:30 a.m.**

**Block Grant Hearings:** Present in Community and Economic Development: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

**Thursday, January 22, 2004  
9:30 a.m.**

**Block Grant Hearings:** Present in Community and Economic Development: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Reed, Zone. *Authorized Absence:* Pierce Scott.

**Friday, January 23, 2004  
12:30 p.m.**

**Block Grant Hearings:** Present in Community and Economic Development: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Lewis, Reed, Pierce Scott, Zone. *Authorized Absence:* Jones.

**Monday, January 26, 2004  
2:00 p.m.**

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

**Tuesday, January 27, 2004  
9:30 a.m.**

**Community and Economic Development Committee:** Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

**Wednesday, January 28, 2004  
10:00 a.m.**

**Aviation and Transportation Committee:** Present in Aviation: Westbrook, Chair; Sweeney, Vice Chair; Britt, Dolan, Gordon, Reed, Rybka.

**Wednesday, January 28, 2004  
1:30 p.m.**

**Public Utilities Committee:** Present in Aviation: Coats, Chair; Brady, Polensek, Sweeney, Westbrook, Zone, Lewis-Pro-Tem, Reed-Pro-Tem. *Authorized Absence:* O'Malley, Vice Chair; Cintron, Jones.

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O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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