

# The City Record

Official Publication of the Council of the City of Cleveland



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March the Twenty-Fourth, 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
- Darnell Brown, Executive Assistant
- Timothy Mueller, Executive Assistant
- Craig Tame, Executive Assistant
- Galen L. Schuerlein, Executive Assistant
- \_\_\_\_\_, Director, Office of Equal Opportunity
- Margreat A. Jackson, Legislative Affairs Liaison
- Erik Janas, Inter-Governmental Affairs Officer
- Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Teresa Beasley, Chief Counsel, Rm. 106  
 Karen E. Martines, Law Librarian, Room 100

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

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

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

- DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
- Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
- Fire – 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, \_\_\_\_\_, 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 Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

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

- Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

- Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director 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

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

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

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

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

- Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Weibusch, 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. Trozzi	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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No. 4711

## CITY COUNCIL

MONDAY, MARCH 22, 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, March 22, 2004

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

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

Also present were Mayor Campbell, Chief of Staff Janik, Darnell Brown, Executive Assistant and Barbara A. Langhenry, Chief Assistant Director of Law; Directors Baker, Konicek, Mok, Ricchiuto, Watson, N. Ronayne, Hudecek, Williams, Routen, Fumich, Taylor, Johnson and C. Ronayne and Margaret Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Erik Howard of Preach the Gospel Conference, Glenville High School, 650 East 113th Street, Cleveland, Ohio 44108 located in Ward 8. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 503-04.

From Greater Cleveland Partnership — announcement of completion of merger between Greater Cleveland Growth Association, Cleveland tomorrow, and the Greater Cleveland Roundtable. Received.

##### File No. 504-04.

From Sherry A. Mack-Frisco — letter announcing dissolution of the business relationship with Jacqueline Tucker, owners of S. & J. Deli Mini Mart — 7011 St. Clair Avenue. Received

##### File No. 505-04.

From First Trust Portfolios L.P. — announcement of opening of newest municipal finance and asset management office located at 10 West Broad Street, Suite 220, Columbus, Ohio. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 506-04.

Re: New Application — 87987000125 — Tap Investments, L.L.C., 15222 Waterloo Avenue. (Ward 11). Received.

##### File No. 507-04.

Re: New Application — 3993688 — Host English Joint Venture, d.b.a. Cleveland Emporium, 5300 Riverside Drive. (Ward 20). Received.

##### File No. 508-04.

Re: Transfer of Ownership Application — 9555691 — Westside Beverage & Deli, Inc., 4398 State Road. (Ward 16). Received.

#### STATEMENT OF WORK ACCEPTED

##### File No. 509-04.

From the Department of Public Utilities — Contract No. 60259 A, Independence Excavating, completed and accepted November 13, 2003. Received.

##### File No. 510-04.

From the Department of Public Utilities — Contract No. 57962 A, Nerone & Sons, completed and accepted November 5, 2002. Received.

**File No. 511-04.**

From the Department of Public Utilities — Contract No. 57962 A, Nerone & Sons, completed and accepted March 10, 2003. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 512-04**—Carol A. McCleendon.

**Res. No. 513-04**—Edwin Vega, Jr.

**Res. No. 514-04**—Thomas Jordan.

**Res. No. 515-04**—Imogene Wilkins Moore.

**Res. No. 516-04** — Frank Simon Stitts.

**Res. No. 517-04** — Johnny Alvin Barnes.

**Res. No. 518-04**—Robert Cheny.

**Res. No. 519-04**—Francesco Caraldi.

**Res. No. 520-04**—Thomas Gorman.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 521-04**—John M. Hrovat.

**Res. No. 522-04**—Celeste Frollo.

**Res. No. 523-04**—Anthony J. Manion.

**Res. No. 524-04**—Reverend Joseph P. Boznar.

**Res. No. 525-04**—Joe Frollo.

**Res. No. 526-04**—John Hozjan, Sr.

**Res. No. 527-04**—John Piter.

**Res. No. 528-04** — Thomas Patrick Corrigan.

**Res. No. 529-04**—David Campbell II.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 466-04.**

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

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

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

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

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

financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 104783)

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

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

**Ord. No. 467-04.**

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

**An emergency ordinance reaffirming, amending, and restating Ordinance No. 73-84, passed January 23, 1984, in order to continue to pick-up employee contributions to the Police and Fire Pension Fund under new procedures.**

Whereas, under Ordinance No. 73-84, passed January 23, 1984, this Council authorized a plan for Cleveland to assume and pay employee contributions to the Police and Fire Pension Fund ("OP&F"); and

Whereas, under the plan authorized by this Council, the City "picks-up" all of the ten percent (10%) mandatory contributions required under Section 742.31 of the Ohio Revised Code for participating employees who are members of the OP&F; and

Whereas, the OP&F has adopted new procedures for reporting picked-up contributions in order to properly prepare 1099-R forms for its members; and

Whereas, this Council reaffirms, amends, and restates Ordinance No. 73-84, passed January 23, 1984, in order to continue the picked-up contributions under the new procedures; 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, effective on the passage date of this ordinance, the City of Cleveland shall continue to pick-up all of the ten percent (10%) mandatory contributions by the employees who are members of the OP&F through a payroll reduction. The picked-up contributions paid through a payroll reduction, even though designated as employee contributions for state law purposes, are being paid by the City of Cleveland in lieu of the contributions by the employee. The picked-up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distribution from the OP&F. The employees shall not be entitled to any option of choosing to receive the contributed

amounts directly instead of having them paid by the City of Cleveland to the OP&F.

**Section 2.** That the Director of Finance and the Commissioner of Accounts are directed to implement the provisions of this ordinance.

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

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

**Ord. No. 468-04.**

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

**An emergency ordinance to amend Section 1 of Ordinance No. 2380-02, passed December 16, 2002, relating to one or more professional consultants to prepare planning studies, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That Section 1 of Ordinance No. 2380-02, passed December 16, 2002, is amended to read as follows:

**Section 1.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare planning studies, for the various divisions of the Department of Port Control.

The selection of the consultants for the services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling the list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. The contract or contracts authorized shall be prepared by the Director of Law and shall be for a term or terms of two years with each contract entered into under this ordinance having one option to renewal for an additional term or terms of two years. The Director of Port Control will notify the Clerk of Council and the Chair of the Aviation Committee whenever an option to renew has been exercised.

**Section 2.** That Section 1 of Ordinance No. 2380-02, passed December 16, 2002, is repealed.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 469-04.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with The McLean Co. for Wirtgen milling machine and equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That this Council has determined that the within services are non-competitive and cannot be secured from any source other than The McLean Co. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with The McLean Co. for the period of one or two years for the necessary items of Wirtgen milling machine and equipment parts, including labor if necessary, in approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130249)

**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. 470-04.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various vehicle and equipment parts, repairs, or services, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

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

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130248)

**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. 471-04.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 234.01, 234.02, and 234.99 relating to construction and demolition debris landfill tipping fees.**

Whereas, Ohio Revised Code Section 3709.20 authorizes the board of health of a city health district to adopt such orders and regulations as are necessary; and

Whereas, the Director of Public Health wishes to adopt a tipping fee for the disposal of construction and demolition debris in Construction and Demolition Debris landfills licensed and regulated by the City; 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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 234.01, 234.02, and 234.99 to read as follows:

**CHAPTER 234  
Construction and Demolition Debris  
Landfill Tipping Fees**

**Section 234.01 Definitions**

(a) "Construction and Demolition Debris Facility," means a construction and demolition debris facility licensed under Ohio Revised Code §3714.06.

**Section 234.02 Fee**

(a) Each Construction and Demolition Debris Facility owner or operator shall pay a fee of \$0.18 for each cubic yard of Construction and Demolition Debris disposed of within the City.

(b) Each Construction and Demolition Debris Facility operator shall record each load of construction and demolition debris material disposed of at their facility on an Ohio Environmental Protection Agency daily log form. The amount of material shall be recorded in either yards or tons. Any material recycled from the construction and demolition debris loads shall not be assessed the tipping fee provided that the Construction and Demolition Debris Facility operator maintains documentation on the amount of recycled material.

(c) Each construction and demolition debris landfill operator shall make monthly payment to the Director of Public Health, or his designee, based upon the amount of material in yards disposed of during the month multiplied by the current tipping fee. If construction and demolition debris is recorded in tons, a conversion factor of two yards equals on ton shall be used to determine the yardage. Payment shall be made to the Director of Public Health within thirty days of the end of each month.

(d) Tipping fees collected under this Section shall be deposited in a fund and sub-fund designated by the Director of Finance for the purpose of administering the Department of Public Health's construction and demolition debris landfill regulatory program. The funds are appropriated for that purpose.

**Section 234.99 Penalty**

Any construction and demolition debris landfill owner or operator who fails to comply with any provision of this Chapter is guilty of a misdemeanor of the first degree each day of violation is a separate offense.

**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 Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

**Ord. No. 472-04.**  
**By Council Members Johnson and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Polish-American Cultural Center to loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz for display at the Polish Cultural Museum for a period not to exceed two years.**

Whereas, the City of Cleveland owns three plaster casts of Chopin, Siemkiewicz, and Mickiewicz, which are currently in storage at the Cleveland Convention Center; and

Whereas, the Polish-American Cultural Center has requested that the City loan these plaster casts for exhibition at the Polish Cultural Museum located at the corner of East 65th and Lansing Avenue; 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 Parks, Recreation and Properties is authorized to enter into an agreement with the Polish-American Cultural Center to loan three plaster casts of Chopin, Siemkiewicz, and Mickiewicz for display at the Polish Cultural Museum for a period not to exceed two years. The agreement shall be prepared by the Director of Law and shall contain any additional terms and conditions that are necessary to protect and benefit the interests of the City.

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

**Ord. No. 473-04.**  
**By Council Members Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to collect rubbish from the areas surrounding the fruit and vegetable arcade at the West Side Market, for the Division of Convention Center & Stadium, Department of Parks, Recreation and Properties, for a period not to exceed three years.**

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

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

**Section 1.** That the Director of 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 not to exceed three years of the necessary items of labor and materials necessary to collect rubbish from the areas surrounding the fruit and

vegetable arcade at the West Side Market, 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 Convention Center & Stadium, 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 107291)

**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. 475-04.**  
**By Council Member Britt.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 84th Street to Fairfax Renaissance Development Corporation.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 126-04-056 and 126-04-057, as more fully described below, to Fairfax Renaissance Development Corporation.

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

P. P. No. 126-04-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 61 in the L.M. Southern, H.F. Hower and Levi Burgert Subdivision of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat in Volume 5 of Maps, Page 53 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 84th Street (formerly Southern Avenue) and extending back of equal width 130 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 126-04-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 58, in Southern, Hower and Burgert's Subdivision of part of Original One Hundred Acre Lot No. 415, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 53 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 84th Street, (50 feet wide) and extending back of equal width 130 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 476-04.**  
**By Council Member Cimperman.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4612 Bridge Avenue to Michael De Cesare.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-35-198, as more fully described below, to Michael De Cesare.

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

P. P. No. 002-35-198

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Westerly 44 feet of Sublots Nos. 239 and 240 in Benedict and Root's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records and being 44 feet front on the Northerly side of Bridge Avenue, N.W., and extending back of equal width 120 feet along the Easterly line of West 47th Street to Bridge Court, N.W., in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Community Development or the Director of Law.

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

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

**Ord. No. 477-04.**  
**By Council Member Cimperman.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 31st Street to Brian Ng.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-27-089, as more fully described below, to Brian Ng.

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

P. P. No. 104-27-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in James M. Hoty's Subdivision of part of Original 10 Acre Lots Nos. 123 and 124, as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 43rd Street, (formerly McHenry Street) and extending back of equal width 132 9/12 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 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be estab-

lished by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

**Ord. No. 478-04.**  
**By Council Member Cimperman.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 12th Street to Tremont West Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 008-04-036, as more fully described below, to Tremont West Development Corporation or designee.

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

P. P. No. 008-04-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 114 in Jacob B. Perkin's Allotment of part of Original Brooklyn Township Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 52 of Cuyahoga County Records, and being 34 feet front on the Westerly side of West 12th Street, and extending back of equal width 115 feet, as appears by said

plat, be the same more or less, but subject to all legal highways.

Covenants and restrictions recorded in Volume 468, Page 444 of Cuyahoga County Records.

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

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

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

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

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

**Ord. No. 479-04.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Central Avenue to Greater Cleveland Habitat for Humanity, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 103-21-037 as more fully described below to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 103-21-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 42, in Horce P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 120 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-21-038 as more fully described below, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. No. 103-21-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 36 feet of Sublot No. 41 in Horace P. Weddall's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 36 feet front on the Northerly side of Central Avenue, S.E., and extending back of equal width 120 feet, as appears by said plat.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-21-039 and 103-21-040 as more fully described, to Greater Cleveland Habitat for Humanity, Inc.

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

P. P. Nos. 103-21-039 and 103-21-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 39 and 40 and the Westerly 4 feet from front to rear of Sublot No. 41 in Horace P. Waddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 69 feet on the Northerly side of Central Avenue, S.E., (formerly Garden Street), extending back 120 feet on the Easterly line, 122 feet 8 1/2 inches on the Westerly line, which is also the Easterly line of East 35th Street, (formerly Calvert Street), and having a rear line of 94 feet 6 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 7.** 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 8.** 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 9.** 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 10.** 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. 480-04.**

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

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into an amendment to Contract No. 61630 with Integrated Consulting Services, Ltd. to provide additional workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources, for a one year period.**

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

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

**Section 1.** That the Director of Personnel and Human Resources is authorized to enter into an amendment to Contract No. 61630 with Integrated Consulting Services, Ltd. to provide additional workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources for a one year period. All other terms and conditions contained the original loan shall remain the same.

**Section 2.** That the cost of the amendment shall be paid from Fund No. 01-999800-632000, Request No. 107543.

**Section 3.** That the amendment shall be prepared by the Director of Law and shall contain additional provisions that the Director of Law deems necessary to protect and benefit the public interest.



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

**Ord. No. 481-04.**

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

**An emergency ordinance to amend Section 2 of Ordinance No. 2239-03, passed December 15, 2003, relating to the Director of Personnel and Human Resources to enter into one or more contracts with Recovery Resources to provide services relating to the Employee Assistance Program.**

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

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

**Section 1.** That Section 2 of Ordinance No. 2239-03, passed December 15, 2003, is amended to read as follows:

**Section 2.** That the cost of the contract or contracts shall be paid from Fund Nos. 01-040201-632000, **52 SF 001, 54 SF 001, 58 SF 001**, and from the fund or funds appropriated for this purpose in budget year 2004, Request No. 107551.

**Section 2.** That existing Section 2 of Ordinance No. 2239-03, passed December 15, 2003, is repealed.

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

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

**Ord. No. 482-04.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 59952 with Ruthie and Moe's MidTown Diner, Inc. to change the terms of the loan entered into to partially finance the purchase of machinery, equipment, furniture and fixtures for the property located at 4002 Prospect Avenue.**

Whereas, under Ordinance No. 422-04, passed March 11, 2002, the Director of Economic Development entered into an agreement with Ruthie and Moe's MidTown Diner, Inc. for a loan to partially finance the purchase of machinery, equipment, furniture and fixtures for the property located at 4002 Prospect Avenue; and

Whereas, additional assistance is necessary; and

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an amendment to Contract No. 59952 with Ruthie and Moe's MidTown Diner, Inc. to change the interest rate of repayment and the term and amortization of the loan, as described in File No. 422-02-B. All other terms and conditions contained the original loan shall remain the same.

**Section 2.** That the amendment shall be prepared by the Director of Law and shall contain additional provisions 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 483-04.**

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation of a brownfield site from the Wheeling and Lake Erie Railroad right-of-way starting with East 49th Street and ending at Jones Road for future redevelopment; and authorizing the Director to enter into one or more contracts with Slavic Village Development to implement the project.**

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

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

**Section 1.** That the Director of Economic Development is authorized to apply for and accept a grant in the amount of \$680,000, from the Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation of a 13.8 acre brownfield site comprised of contiguous parcels from the Wheeling and Lake Erie Railroad right-of-way, starting at East 49th Street and ending at Jones Road for future redevelopment, as described in the summary for the grant contained in the file described below. 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. 483-04-A, made a

part as if fully rewritten, is approved in all respects.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with Slavic Village Development to implement the remediation project as described in the summary.

**Section 4.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

**Section 5.** That the cost of the contract or contracts authorized shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance.

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

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

**Ord. No. 485-04.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Kamm's Corners Development Corporation to provide economic development assistance to partially finance a facade renovation project at the Warren Village Shopping Center in the Westpark neighborhood.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with Kamm's Corners Development Corporation to provide economic development assistance to partially finance a facade renovation project at the Warren Village Shopping Center in the Westpark neighborhood.

**Section 2.** That the costs of the grant shall not exceed \$55,000 and shall be paid from Fund No. 17 SF 652, Request No. 103614.

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

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

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

**Ord. No. 486-04.**  
**By Council Members White and Jackson (by departmental request).**  
**An emergency ordinance to amend Sections 201.99, 327.99, 367.99, 3103.99, 403.99, and 601.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to penalties for misdemeanors, and penalties for zoning, housing, and building code violations; and to accept the misdemeanor penalty guidelines enacted through House Bill 479 and Senate Bill 57, effective January 1, 2004.**

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

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

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

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

**Section 1.** That this Council approves the misdemeanor penalty guidelines adopted through House Bill 479 and Senate Bill 57, effective January 1, 2004, which among other things, increased the rates Ohio municipalities may charge for misdemeanor penalties, and authorizes the appropriate City officials to charge accordingly.

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

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

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

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

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

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

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

are amended to read as follows:

**Section 327.99 Penalty**

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

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

the Director of Building and Housing of the existence of such nuisance.

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

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

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

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

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

**Section 201.99 Penalty**

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

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

**Section 367.99 Penalty**

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply with

this Housing Code or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Housing Inspector at a reasonable hour, and who ever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply with this Housing Code or with any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

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

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

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

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

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

(g) A court of competent jurisdiction may require whoever is con-

victed of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

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

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

**Section 3103.99 Penalty**

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

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

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

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

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

(f) The Director of Building and Housing shall consult with the councilperson of each ward about the enforcement of the provisions of this section in their particular ward and shall provide the Councilperson of

each ward with a written weekly report listing the violations of this section in their particular ward.

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

**Section 403.99 Traffic Code Misdemeanor Classifications and Penalties**

**(a) Misdemeanor Classifications**

(1) General classification. Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. (RC 4511.99). When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he operated a motor vehicle in excess of the posted speed limit by ten miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. When any person is found guilty of a violation of division (b)(9) of Section 433.03, in addition to all other penalties provided by law, such person shall be fined two times the usual amount imposed for the violation.

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

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

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

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

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

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

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

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	
2nd degree	90 days	\$1,000.00
3rd degree	60 days	750.00
4th degree	30 days	500.00
Minor	None	250.00
(RC 2929.21)		<b>150.00</b>

**(c) License Suspension.**

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

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

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

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

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

**Section 601.99 Penalties for Misdemeanors**

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

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing

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

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor (RC 2929.21)	No imprisonment	150.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

are repealed.

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

Referred to Referred to Directors of City Planning Commission, Public Health, Building and Housing, Public Safety, Finance, Law; Committees on Legislation, Finance.

**Ord. No. 487-04.**

**By Council Members Westbrook and Dolan.**

**An emergency ordinance to amend Section 611.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 184-02, passed June 10, 2002, relating to gambling definitions and to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 611.021 and Section 611.022 relating to hours and operators of charitable games of chance and relating to permits for charitable games of chance and charitable schemes of chance.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the regulation of charitable games of chance and charitable schemes of chance will provide the Department of Public Safety with information necessary for enforcement of gambling laws; now, therefore,

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

**Section 1.** That Section 611.01 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, as amended by Ordinance No. 184-02, passed June 10, 2002, is hereby amended to read as follows:

**Section 611.01**

As used in this chapter:

(a) "Bookmaking" means the business of receiving or paying off bets.

(b) "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.

(c) "Scheme of chance" means a lottery, numbers game, pool or other scheme in which a participant gives a valuable consideration for a chance to win a prize.

(d) "Game of chance" means poker, craps, roulette, a slot machine, a punch board or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.

(e) "Scheme or game of chance conducted for profit" means any scheme or game of chance, including but not limited to instant bingo tickets, pull-tab tickets and break open tickets, designed to produce income for the person who conducts or operates the scheme or game of chance, but does not include a charitable bingo game.

(f) "Gambling device" means:

(1) A book, totalizer or other equipment for recording bets;

(2) A ticket, token or other device representing a chance, share or interest in a scheme of chance, except a charitable bingo game, or evidencing a bet;

(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, punch board or other apparatus designed for use in connection with any game of chance;

(4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes.

(g) "Gambling offense" means any of the following:

(1) A violation of Sections 611.02 to 611.08 or RC 2915.02 to 2915.11;

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (g)(1) of this section;

(3) Any offense under an existing or former municipal ordinance or law of this or any other state or the United States of which gambling is an element;

(4) A conspiracy or attempt to commit, or complicity in committing any offense under division (g)(1), (2) or (3) of this section.

(h) "Charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firemen's, senior citizen's, youth athletic or youth athletic park organization. An organization is tax exempt if the organization is and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is exempt from Federal income taxation under subsection 501(a) and described in subsections 501(c) (3), (4), (8), (10) or (19) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firemen's organization, shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under RC 2915.08 or the conducting of any scheme of chance or game of chance as provided in division (c) of Section 611.02.

(i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.

(j) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, and that operates or contributes to the support of a school, academy, college or university.

(k) "Veteran's organization" means any individual post of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post or auxiliary unit has been incorporated as a nonprofit corporation for at least two years and has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least ten years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(l) "Volunteer firemen's organization" means any organization of volunteer firemen, as defined in RC 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company.

(m) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that

is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or brotherhood of its members and that has been in continuous existence in this State for a period of five years.

(n) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in RC 4765.01.

(o) "Service organization" means any organization, not organized for profit, that is organized and operated exclusively to provide or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment.

(p) "Nonprofit medical organization" means any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public.

(q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.

(r) "Charitable bingo game" means any bingo game that is conducted by a charitable organization that has obtained a bingo license pursuant to RC 2915.08 and the proceeds of which are used for a charitable purpose.

(s) "Bingo" means:

(1) A game with all of the following characteristics:

A. The participants use bingo cards that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces with each space, except the central space, being designated by a combination of a letter and a number and the central space being designated as a free space;

B. The participants cover the spaces on the bingo cards that correspond to combinations of letters and numbers that are announced by a bingo game operator;

C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards;

D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of let-

ters and numbers as described in division (s)(1)C. of this section that a predetermined and preannounced pattern of spaces has been covered on a bingo card being used by the participant.

(2) Any scheme or game other than a game as defined in division (s)(1) of this section with the following characteristics:

A. The participants use cards, sheets or other devices that are divided into spaces arranged in horizontal, vertical or diagonal rows of spaces, with each space, except free spaces, being designated by a single letter, number or symbol; by a combination of letters, numbers or symbols; by a combination of a letter and a number, a letter and a symbol, or a number and a symbol; or by any combination of letters, numbers and symbols, with some or none of the spaces being designated as a free, complimentary or similar space;

B. The participants cover the spaces on the cards, sheets or devices that correspond to letters, numbers, symbols or combinations of such that are announced by a bingo game operator or otherwise transmitted to the participants;

C. A bingo game operator announces or otherwise transmits to the participants, letters, numbers, symbols or any combination of such as set forth in division (s)(2)A. of this section that appear on objects that a bingo game operator selects by chance that correspond to one of the possible letters, numbers, symbols or combinations of such that can appear on the bingo cards, sheets or devices;

D. The winner of the bingo game is any participant who properly announces that a predetermined and preannounced pattern of spaces has been covered on a card, sheet or device being used by the participant.

(t) "Conduct" means to back, promote, organize, manage, carry on or prepare for the operation of a scheme or game of chance, but does not include any act performed by a bingo game operator.

(u) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of a bingo game including, but not limited to, collecting money from participants, handing out bingo cards or objects to cover spaces on the bingo cards, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on the bingo cards, calling out the combinations of letters and numbers, distributing prizes to the winner of the bingo game and preparing, selling and serving food or beverages.

(v) "Participant" means any person who plays bingo by covering the spaces on a bingo card that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(w) "Bingo session" means a period, not to exceed five continuous hours, during which a person conducts one or more bingo games.

(x) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session. "Gross receipts" does not include any money directly taken in from the sale of food or beverages

by a charitable organization conducting a bingo session, or by a bona fide auxiliary unit or society of a charitable organization, at a bingo session conducted by the charitable organization, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to the bingo session.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage;

(3) The food and beverages are sold at customary and reasonable prices;

(4) No person preparing, selling or serving the food or beverages at the site of the bingo game receives directly or indirectly any form of compensation for the preparation, sale or service of the food or beverages.

(y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to RC 109.71 to 109.79 and who is hired to provide security for the premises on which a bingo game is conducted.

(z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a veteran's organization, as defined in division (k) of this section, that is a post, chapter or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least seventy-five percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in division (B)(12) of RC 5739.02, are used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of RC 5739.02, are donated to a governmental agency, or are used for non-profit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups or other bona fide nonprofit organizations, promotion of patriotism or disaster relief; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen years for use exclusively for religious,

charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in division (1) of this section.

(aa) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

(bb) "Youth athletic organization" means any organization, not organized for profit that is organized and operated exclusively to provide financial support to, or to operate athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

(cc) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:

(1) It owns, operates, and maintains playing fields that satisfy both of the following:

A. The playing fields are used at least one hundred days per year for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.

B. The playing fields are not used for any profit-making activity at any time during the year.

(2) It uses the proceeds of the bingo games it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (cc)(1) of this section.

(dd) "Charitable game of chance operator" means any person, except security personnel, who perform work or labor at the site of a charitable game of chance including, but not limited to, distributing or collecting money, chips, cards or dice from participants, distributing anything of value to winners of the charitable game of chance, and serving food or beverages.

(ee) "Charitable scheme of chance operator" means any person, except security personnel, who perform work or labor at the site of a charitable scheme of chance including, but not limited to, distributing or collecting money, chips, cards, pools, tickets, or game tokens from participants, or manipulating any game device such as spinning a wheel, and serving food or beverages.

**Section 2.** That existing Section 611.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 184-02, passed June 10, 2002, is hereby repealed.

**Section 3.** That the Codified Ordinances of the City of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 611.021 and Section 611.022 thereof, to read as follows:

**Section 611.021 Charitable Games of Chance and Charitable Schemes of Chance; Hours and Operators**

(a) No charitable organization shall conduct a charitable game of

chance or charitable scheme of chance between the hours of midnight and 10:00 a.m.

(b) No charitable organization shall permit any person whom the charitable organization knows, or should have known, has been convicted for a felony or gambling offense in any jurisdiction to be a charitable game of chance operator and/or charitable scheme of chance operator.

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

**Section 611.022 Permit Required for Charitable Games of Chance and Charitable Schemes of Chance**

(a) No charitable organization shall conduct a charitable game of chance or charitable scheme of chance without first obtaining a charitable game of chance permit or charitable scheme of chance permit issued by the Director of Public Safety in accordance with this section.

(b) The permit application to conduct a charitable game of chance or charitable scheme of chance shall be furnished by the Director of Public Safety and shall contain, at a minimum, the following information in a signed and sworn statement:

(1) the name and address of the applicant;

(2) a statement that the applicant is a charitable organization;

(3) the location at which the charitable organization will conduct the game of chance or scheme of chance;

(4) the days of the week and the times on each of such days when a game of chance will be conducted;

(5) information pertaining to whether the charitable organization owns, leases, or subleases the premises and, in the event, that the charitable organization leases the premises, a copy of the lease agreement;

(6) a statement of the applicant's previous history and record in conducting charitable games of chance and charitable schemes of chance;

(7) a copy of the charity's certificate of good standing from the state of incorporation;

(8) a copy of a determination letter issued by the Internal Revenue Service stating that the organization is tax exempt under subsection 501(a) of the Internal Revenue Code and described in subsection 501(c)(3) of the Internal Revenue Code;

(9) a statement of the charitable purpose for which the proceeds of the game of chance or scheme of chance will be used;

(10) a list of the individuals who will be charitable game of chance operators or and/or charitable scheme of chance operators and a list of the individuals who will be directly involved in the conduct the game of chance or scheme of chance (the list shall include the name, date of birth, and social security number of each operator);

(11) a statement as to whether the applicant has ever had any previous permit application refused, whether the applicant has had a permit revoked or suspended, and the reason stated by the Director of Public Safety for such refusal, revocation or suspension; and

(12) any other information that the Director of Public Safety determines necessary.

(c) A \_\_\_\_\_ dollar (\$) fee for each charitable game of chance or charitable scheme of chance permit shall accompany each permit application to defray the expenses incurred in the administration of the provisions of this Section.

(d) Permit applications to conduct a charitable game of chance or charitable scheme of chance shall be applied for at least twenty-one (21) days prior to the proposed date of the charitable game of chance or charitable scheme of chance.

(e) Any charitable organization conducting more than one game of chance and/or scheme of chance at one location on one or more consecutive days shall only be required to obtain one permit. Under this circumstance, an individual permit is not required for each game of chance and scheme of chance.

(f) Permits shall not be required for a charitable game of chance or charitable scheme of chance involving the sale of raffle tickets when the sale of raffle tickets will occur at more than one location.

(g) The Director of Public Safety may refuse to grant a permit to conduct a charitable game of chance or charitable scheme of chance to any organization, or revoke or suspend the license of any organization, for any one or more of the following reasons:

- a. the organization fails or failed to comply with any provision of this section;
- b. the organization makes or made an incorrect or false statement in the permit application;
- c. the organization submits or submitted any incorrect or false information on the permit application or any attachment to the permit application;
- d. the organization failed to maintain the information required by section 611.07 of these Codified Ordinances;
- e. the organization maintains or maintained any incorrect or false information required to be maintained by section 611.07 of these Codified Ordinances; and
- f. the Director of Public Safety has good cause to believe that the Applicant will not conduct the game of chance or scheme of chance in accordance with the provisions of this chapter.

(h) Permits issued to charitable organization for games of chance and schemes of chance shall be posted in a conspicuous location at the time the charitable organization is conducting the game of chance or scheme of chance.

(i) The failure to obtain a permit and/or post a permit as required by this Section and/or the violation of any other Codified Ordinance, state law, or federal law may result in the District Commander or the District Commander's designee ordering a charitable organization to cease the operation of the charitable game of chance or charitable scheme of chance.

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

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

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

**Ord. No. 488-04.**  
**By Council Members Zone and Coats.**

**An emergency ordinance authorizing and directing the Director of Public Utilities to immediately perform an energy audit in all City-owned government facilities and operations and to begin actively monitoring the city's energy use.**

Whereas, many U.S. cities, including Portland, Phoenix, Philadelphia, Minneapolis, and Memphis, have performed energy audits in their government facilities and operations;

Whereas, energy audits have allowed these cities to understand how they use their energy and to know where they can make short-term and long-term energy efficiency improvements;

Whereas, these cities have saved millions of dollars by performing energy audits, implementing energy efficiency improvements, and actively monitoring their energy use;

Whereas, Cleveland has never performed a thorough energy audit of its facilities and operations and does not aggressively monitor its energy use;

Whereas, Cleveland faced a \$61 million dollar budget deficit in 2003 and could face greater budget deficits in upcoming years;

Whereas, the city must promote cost-saving measures in order to offset the possibility of future budget deficits;

Whereas, by performing an energy audit and monitoring its ongoing energy use, the city would become more energy efficient and save important tax dollars for other city programs and operations;

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to immediately perform an energy audit in all City-owned government facilities and operations and to actively monitor the city's energy use.

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

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

#### FIRST READING ORDINANCES REFERRED

**Ord. No. 489-04.**

**By Council Member Cimperman.**  
**An ordinance designating areas of the Central Business District for placement of business signs pursuant to § 512.05 of Chapter 512 of the Codified Ordinances of the City of Cleveland.**

Pursuant to Ordinance No. 392-03, passed September 22, 2003, supplementing the Codified Ordinances of Cleveland Ohio, 1976, by enacting new §§ 512.01 to 512.09 and 512.99 relating to the issuance of temporary public right-of-way occupancy permits for business signs,

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

**Section 1.** That the areas of the Central Business District shown on the map in File No. 489-04-A are hereby designated for placement of business signs in accordance with the provisions of Chapter 512 of the Codified Ordinances of the City of Cleveland.

**Section 2.** That the designation of the area described in Section 1 hereof shall be kept on file in the office of the Clerk of Council and in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

**Ord. No. 490-04.**

**By Council Member Cimperman.**  
**An ordinance establishing the Tremont Pedestrian Retail Overlay-Signs (PRO-S) District for purposes of the placement of business signs pursuant to § 512.05 of Chapter 512 of the Codified Ordinances of the City of Cleveland (enacted by Ordinance No. 392-03) and § 343.22(j) of Chapter 343 of the Codified Ordinances of the City of Cleveland (enacted by Ordinance No. 1809-03).**

Pursuant to Ordinance No. 392-03, passed September 22, 2003, supplementing the Codified Ordinances of Cleveland Ohio, 1976, by enacting new §§ 512.01 to 512.09 and 512.99 relating to the issuance of temporary public right-of-way occupancy permits for business signs, and

Pursuant to Ordinance No. 1809-03, passed December 1, 2003, amending § 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1020-01, passed July 18, 2001, relating to pedestrian retail overlay (PRO) district,

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

**Section 1.** That the Tremont Pedestrian Retail Overlay-Signs (PRO-S) District is hereby established and includes the areas shown on the map in File No. 490-04-A.

**Section 2.** That the designation of the area described in Section 1 hereof as the Tremont Pedestrian Retail Overlay-Signs (PRO-S) District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

**Ord. No. 491-04.**

**By Council Member Zone.**

**An ordinance to change the zoning of parcels along Courtland Court between West 54th and West 57th Streets from a Two-Family Residential Use District to an RA2 Townhouse District (Map Change No. 2116, Sheet No. 1).**

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

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

Beginning on the Centerline of Courtland Court (20 feet wide) at its Intersection with the Southerly prolongation of the Easterly line of a parcel of land conveyed to St. Stephen Church by Instrument dated June 7, 2001, recorded by A.F.N. 200106070870 of the Cuyahoga County records, and also known as being P.P.N. 002-32-073;

Thence Westerly along the Centerline of said Courtland Court to its Intersection with the Southerly prolongation of the Westerly line of a parcel of land conveyed to the City of Cleveland by Instrument dated January 28, 1998, recorded in Volume 802, Page 11 of the Cuyahoga County records, and also known as being P.P.N. 002-32-077;

Thence Northerly along the Southerly prolongation and Westerly line of said P.P.N. 002-32-077 to the North-westerly corner thereof;

Thence Easterly along the Northerly line of said P.P.N. 002-32-077, continuing Easterly along the Northerly line of a parcel of land conveyed to Anthony M. Pilla by Instrument dated May 15, 2001, recorded by A.F.N. 200105150973 of the Cuyahoga County records, and also known as being P.P.N. 002-32-076, along the Northerly line of a parcel of land conveyed to Greg Garlock by Instrument dated March 30, 1988, recorded in Volume 81318, Page 59 and also known as being P.P.N. 002-32-075, and along the Northerly line of a parcel of land conveyed to the City of Cleveland by Instrument dated June 15, 1994, recorded in Volume 5828, Page 44, and also known as being P.P.N. 002-32-074 to the Northeasterly corner thereof;

Thus Southerly along the Easterly line of said P.P.N. 002-32-074 to its Intersection with the Northerly line of P.P.N. 002-32-073, as aforesaid;

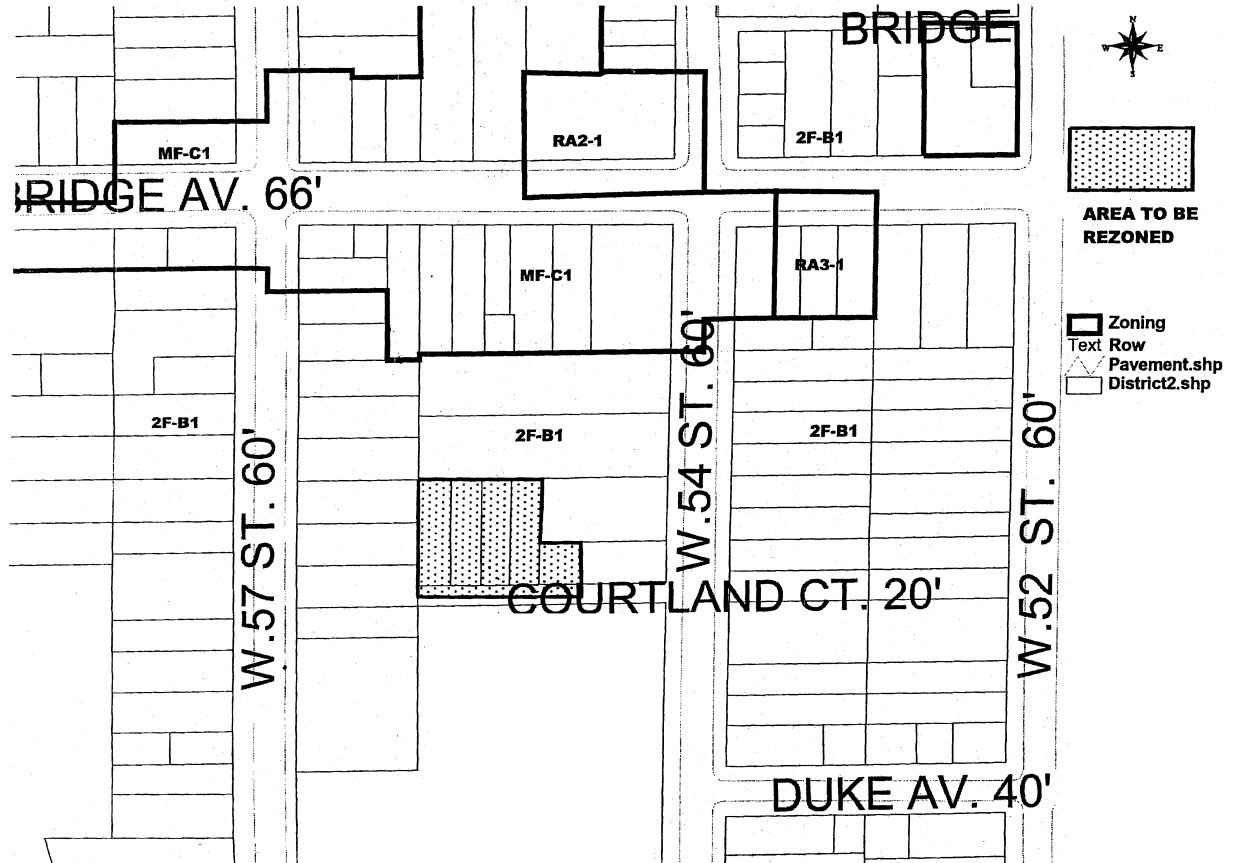
Thence Easterly along the Northerly line of said P.P.N. 002-32-073 to the Northeasterly corner thereof;

Thence Southerly along the Easterly line and Southerly prolongation of said P.P.N. 002-32-073 to its Intersection with the Centerline of Courtland Court, as aforesaid, the place of beginning, and as outlined and shaded on the attached map is changed to an RA2 Townhouse Use District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2116, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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

**Proposed zoning change on Courtland Court between West 54th and West 57th Streets from Two-Family Residential to RA2 Townhouse (Map Change No. 2116, Sheet No. 1).**



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



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

**Ord. No. 474-04.**

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant to conduct the Phase II environmental assessment at 2224 Clarkwood Road and 2225 East 68th Street, located within the Central Neighborhood's Homeownership Zone; and authorizing the Director to enter into one or more contracts with Burten, Bell, Carr Development, Inc. to implement the project.

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 apply for and accept a grant in the amount of \$77,000, from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant to conduct the Phase II environmental assessment at 2224 Clarkwood Road, a site known as the Clarkwood Junkyard, and at 2225 East 68th Street, formerly known as the Chocolate Factory, both located within the Central Neighborhood's Homeownership Zone, for the purposes described in the summary for the grant contained in the file described below. 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. 474-04-A, made a part as if fully rewritten, is approved in all respects.

**Section 3.** That the Director of Community Development is authorized to enter into one or more contracts with Burten, Bell, Carr Development, Inc. to implement the assessment as described in the summary.

**Section 4.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

**Section 5.** That the cost of the contract or contracts authorized shall be paid from the fund or funds that are credited the proceeds of the grant accepted under this ordinance.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 484-04.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Famicos Foundation to provide economic development assistance to further the development plans of the Louis Stokes Cleveland VA Medical Center.

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with Famicos Foundation to provide economic development assistance to further the development plans of the Louis Stokes Cleveland VA Medical Center.

**Section 2.** That the costs of the grant shall not exceed \$40,000 and shall be paid from Fund No. 17 SF 652, Request No. 103615.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 492-04.**

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

An emergency ordinance consenting and approving the issuance of a permit for the Hudson Relays, on April 24, 2004, sponsored by Case Western Reserve University.

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hudson Relays, on April 24, 2004, beginning at "The Rock" next to Fribley, near the bottom of the elephant steps in front of Carlton Commons, top of stairs; top of Edgehill at Overlook in front of the Greenhouse Restaurant, corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall) in front of the Peter B. Lewis building, corner of Bellflower and Ford just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road in front of Pierce house in the Northside Residential Village in front of Clark Hall on the Mather Quad; back to "The Rock"; Presi-

dent's last lap only; the last runner "President" receives the baton at the rock by Adelbert Hall and runs into the Quad up the Pardee side and around and back to "The Rock" down the Yost side; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 493-04.**

**By Council Member Conwell.**

An emergency ordinance authorizing the Director of the Law Department to enter into an agreement with Garrett Square Development Corporation for the Understanding the Law 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 the Law Department is authorized to enter into an agreement with Garrett Square Development Corporation for the Understanding the Law Program for the public purpose of providing legal educational seminars for 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 \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 494-04.  
By Council Members Pierce Scott  
and Conwell.**

**An emergency ordinance consenting and approving the issuance of a permit for the Walk America 2004, on May 1, 2004, sponsored by the March of Dimes.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Walk America 2004, on May 1, 2004, beginning at the Cleveland Botanical Gardens; leave the building and proceed through the Gardens to the Wade Oval pathway just opposite the parking area for the Cleveland Museum of Natural History; turn left on the path within the Wade Oval Park and proceed along the path around Wade Oval exiting onto the sidewalk at Wade Oval Drive and East Boulevard; cross East Boulevard to the east side of the street and turn right; cross Bellflower Road and then immediately cross East Boulevard to the west side of the street immediately south of the construction for the Cleveland Museum of Art and turn left; turn right entering the grounds of the Museum of Art on the path just past the black sculpture titled "Source" and before the hedges; proceed west past the Museum of Art building and turn left along the path headed south; follow that path until it reaches Martin Luther King, Jr. Drive and turn left toward Wade Lagoon; turn right on the path along the Lagoon and circle the southern end of the Lagoon, returning to East Boulevard at the northeast corner of the Lagoon; turn right on East Boulevard and proceed south on the sidewalk on the west side of that street to Euclid Avenue; cross East Boulevard and proceed east on the sidewalk on the north side of Euclid to the traffic light at Adelbert Road; cross Euclid Avenue at the light at Adelbert Road to the sidewalk on the southwest side of Adelbert and proceed to Rainbow Babies and Childrens Hospital where the first stop will be set up across from that hospital; after the stop, continue along Adelbert to the traffic light at Adelbert and Circle Drive; cross the street at that light and turn right on the sidewalk on the northeast side of the road and proceed over the bridge which crosses the rail tracks; continue along that sidewalk to the corner with Murray Hill Road and turn left along the sidewalk on the northeast side of Murray Hill Road; continue along the sidewalk on the northwest side of Murray Hill Road to Mayfield Road; at Mayfield Road, turn left on the sidewalk on the south side of Mayfield Road; proceed along that sidewalk to Circle Drive; turn left onto the sidewalk on the east side of Circle Drive and proceed to Cornell Road; turn right on Cornell Road and proceed northwest on the sidewalk on the northeast side of Cornell to the traffic light at Euclid Avenue; cross Euclid Avenue at the light to the north side of Euclid and turn left; proceed west

on the sidewalk on the north side of Euclid to the path just beyond the arch along Euclid near where University Hospital Drive intersects Euclid from the south; turn right on the path which goes through the Case properties to the corner of Bellflower Road and Ford Drive; cross to the northwest side of Bellflower Road and proceed northeast on the sidewalk to Juniper Drive; turn left on Juniper Drive and proceed west/southwest on the sidewalk on the south side of Juniper to the intersection of Juniper, Ford Drive and East Boulevard; turn right, crossing Juniper and proceed along the sidewalk on the northeast side of East Boulevard to Hazel Drive; cross to the west side of Hazel Drive and proceed north to Magnolia Drive; turn left on the sidewalk on the south side of Magnolia Drive to East 108th Street; turn left on East 108th Street and proceed south on the sidewalk on the east side of the street and cross East Boulevard; proceed along the sidewalk to the entrance to the Gardens of the Botanical Gardens and re-enter the property at the gate used to exit the property at the beginning of the walk; proceed back through the Gardens to the Botanical Gardens building where the walk ends; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Res. No. 495-04.**

**By Council Member Cimperman.  
An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit at 3004 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Sorma Corp., LLC, DBA Bada Bing, 3004 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 8381775 to Janetta Deloach, DBA Bada Bing, 3004 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 2035588; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Sorma Corp., LLC, DBA Bada Bing, 3004 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 8381775 to Janetta Deloach, DBA Bada Bing, 3004 St. Clair Avenue, Cleveland, Ohio 44114, Permanent Number 2035588; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 496-04.****By Council Member Dolan.****An emergency resolution objecting to a New C2 Liquor Permit at 14039 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at American Cash, Inc., DBA American Cash Exchange, 14039 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 01616470015; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at American Cash, Inc., DBA American Cash Exchange, 14039 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 01616470015 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 497-04.****By Council Member Dolan.****An emergency resolution withdrawing objections to a New C2 and renewal of a C2 Liquor Permit at 15520 Munn Road and repealing Resolution Nos. 2405-02 and 1310-03, objecting to said permit and renewal.**

Whereas, this Council objected to a New C2 and renewal of a C2 Liquor Permit to 15520 Munn Road by Resolution No. 2405-02 adopted by the Council on December 9, 2002, and Resolution No. 1310-03 adopted by the Council on July 16, 2003; and

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

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

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

**Section 1.** That objections to a New C2 and renewal of a C2 Liquor Permit to Speedway Super America, DBA Speedway #9338, 15520 Munn Road, Cleveland, Ohio 44111, Permanent Number 84189841820 be and the same is hereby withdrawn and Resolution Nos. 2405-02 and 1310-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate permit 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 498-04.****By Council Member Johnson.****An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 11618 Buckeye Road, 1st Floor and Basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Buckeye Liquor, Inc., 11618 Buckeye Road, 1st Floor and Basement, Cleveland, Ohio 44120, Permanent Number 1072433 to A1 Liquor & Beverage, LLC, DBA 1 Stop Liquor & Beverage, 11618 Buckeye Road, 1st Floor and Basement, Cleveland, Ohio 44120, Permanent Number 0003632; and

Whereas, the granting of this application for a liquor permit to

this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Buckeye Liquor, Inc., 11618 Buckeye Road, 1st Floor and Basement, Cleveland, Ohio 44120, Permanent Number 1072433 to A1 Liquor & Beverage, LLC, DBA 1 Stop Liquor & Beverage, 11618 Buckeye Road, 1st Floor and Basement, Cleveland, Ohio 44120, Permanent Number 0003632; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 499-04.****By Council Member Johnson.**

**An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 3029 Woodhill Avenue and repealing Resolution No. 1328-03, objecting to said renewal.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 3029 Woodhill Road, 1st Floor, Basement and Patio by Resolution No. 1328-03 adopted by the Council on July 16, 2003; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to Corlyn, Inc., DBA VIP Lounge, 3029 Woodhill Avenue, Cleveland, Ohio 44104, Permanent Number 1745652 be and the same is hereby withdrawn and Resolution No. 1328-03, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 500-04.****By Council Member Polensek.**

**An emergency resolution objecting to a New C1 Liquor Permit at 15222 Waterloo Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Tap Investments, LLC, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 87987000125; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented rea-

sonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Tap Investments, LLC, 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 87987000125, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 501-04.****By Council Member Reed.**

**An emergency resolution objecting to a New C2 Liquor Permit at 10815 Kinsman Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #34, 10815 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 01007780445; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Aldi, Inc., Ohio, DBA Aldi #34, 10815 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 01007780445, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 502-04.**

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

**An emergency resolution demanding that the Campbell administration uphold and enforce all valid laws of the City, most importantly the Fannie M. Lewis Cleveland Resident Employment Law, Chapter 188 of the Codified Ordinances of the City of Cleveland; demanding that the administration provide documentation and all relevant information pertaining to the propriety of any of the City's current laws, including the Fannie M. Lewis**

**Cleveland Resident Employment Law; demanding that the Board of Control not award any contract that fails to include standards and procedures effectuating the Fannie M. Lewis Cleveland Resident Employment Law; reaffirming this Council's commitment to the purposes and goals set forth in said Fannie M. Lewis Cleveland Resident Employment Law; and urging the Mayor to be likewise committed to enforcing said law.**

Whereas, the Fannie M. Lewis Cleveland Resident Employment Law, effective January 2004, was passed by this Council in order to ensure that residents of this City, especially low income workers, obtain meaningful employment; and

Whereas, this Council enacted the Fannie M. Lewis Cleveland Resident Employment Law also to ensure that money spent by the taxpayers of this city benefits those who live in this city; and

Whereas, the Fannie M. Lewis Cleveland Resident Employment Law applies to all city construction contracts of \$100,000 or more and requires that residents of the City perform 20% of the total construction worker hours; and

Whereas, it has come to the attention of this Council that the Campbell administration may award the public improvement contract for the rehabilitation of Kinsman Road without enforcing Chapter 188 of the City's Codified Ordinances, the Fannie M. Lewis Cleveland Resident Employment Law; and

Whereas, the apparent ignoring of the Fannie M. Lewis Cleveland Resident Employment Law in the pending award of this public improvement contract, and any other applicable city construction contracts, is an affront to this Council and to the residents of this City, especially those who are willing and able to work on such a project and who need such employment; and

Whereas, the Campbell administration cannot unilaterally ignore duly enacted laws of the City and is bound by duty and by law to uphold this City's valid laws unless and until said laws are found unlawful; and

Whereas, this Council questions whether the Campbell administration will ignore the Fannie M. Lewis Cleveland Resident Employment Law as it applies to all city construction contracts, thus rendering the law irrelevant; and

Whereas, the Campbell administration is strongly advised to stay in contact with this Council, as the legislative body of this City, so that it knows and understands which of its laws are being questioned; 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 demands that the Campbell administration uphold and enforce all valid laws of the City, most importantly the Fannie M. Lewis Cleveland Resident Employment Law, Chapter 188 of the Codified Ordinances of the City of Cleveland; demands that the administration provide documentation and all rele-

vant information pertaining to the propriety of any of the City's current laws, including the Fannie M. Lewis Cleveland Resident Employment Law, demands that the Board of Control not award any contract that fails to include standards and procedures effectuating the Fannie M. Lewis Cleveland Resident Employment Law; reaffirms this Council's commitment to the purposes and goals set forth in said Fannie M. Lewis Cleveland Resident Employment Law; and urges the Mayor to be likewise committed to enforcing said law.

**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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

#### **SECOND READING EMERGENCY ORDINANCES PASSED**

##### **Ord. No. 1932-03.**

By Council Member Britt (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Beech Brook Children's Facility to encroach into the right-of-way of Buckeye Road at East 118th Street to hang two (2) Location Identification banners in front of their newly located community headquarters building on Buckeye Road.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### **Ord. No. 2-04.**

By Council Member Brady (by request).

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### **Ord. No. 157-04.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Arbor Park Place, LLC, to encroach into the public right-of-way of East 40th Street as part of the redevelopment of the Longwood Plaza Shopping Center.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### **Ord. No. 158-04.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ohio Savings Management to encroach into the public right-of-way of 515 Euclid Avenue to install shoring tiebacks for site excavation.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### **Ord. No. 159-04.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Case Western Reserve University to encroach into the public right-of-way of East 115th and East 117th Streets to install electric, steam, and data lines and storm and sanitary sewers for the North Residential Village Phase I project.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### **Ord. No. 242-04.**

By Council Members O'Malley, Sweeney, Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend the title, Section 1, and Section 4 of Ordinance No. 365-03, passed May 12, 2003, relating to the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances on portions of various streets.

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

1. In Section 1, at amended Section 4, line 2, strike "20 SF 383," and insert "20 SF 380, 20 SF 383, 20 SF 394,".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 320-04.**

By Council Member Jackson (by departmental request).

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 321-04.**

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Iron Mountain/National Underground Storage, Inc. for the lease of space for the storage of records, and the purchase of services related to the storage of records, for a period of one year.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 413-04.**

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

An emergency ordinance authorizing the Director of Personnel and

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

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In Section 2, strike lines 9 and 10 in their entirety and insert:

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

2. Renumber existing Sections 3 and 4 to "Section 4" and "Section 5". Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. 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. 414-04.**

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional consultants to administer the City's COBRA program and HIPAA compliance for a one year period.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Com-

mittees on Employment, Affirmative Action and Training, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 71-04.**

By Council Member Johnson (by request).

An emergency resolution declaring the intention to vacate the remaining portion of Woodhill Court S.E.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Adoption recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**MOTION**

The Council Meeting adjourned at 8:12 a.m. to meet on Monday, March 22, 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:

**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 Seven Million One Hundred Forty Four Thousand Six Hundred Forty Six Dollars (\$467,144,646) from the General Fund;**

**The sum of Fifty Seven Million Forty Three Thousand Nine Hundred Seventy Two Dollars (\$57,043,972) from the Special Revenue Funds;**

**The sum of Twenty Two Million Five Hundred Fifty Seven Thousand Five Hundred Thirty Six Dollars (\$22,557,536) from the Internal Service Funds;**

**The sum of Five Hundred Ninety Two Million Four Hundred Eighty Three Thousand Five Hundred Sixty Five Dollars (\$592,483,565) from the Enterprise Funds;**

**The sum of Eight Million Eight Hundred Seventy Seven Thousand Eight Hundred Five Dollars (\$8,877,805) from the Trust and Agency Funds;**

**The sum of Fifty Four Million Four Hundred Nine Thousand Twenty Three Dollars (\$54,409,023) from the Debt Service Fund;**

**All set forth in the Mayor's Estimate on file with Council and identified as File No. 115-04-A in the aggregate amount for each department as follows:**

**APPROPRIATION FOR THE YEAR 2004**

**GENERAL FUND**

<b>Legislative Branch</b>		<b>\$ 5,579,211</b>
<b>Municipal Court</b>		<b>\$ 32,235,349</b>
<b>Executive Branch</b>		
<b>Office of the Mayor</b>		<b>2,207,783</b>
<b>Department of Public Safety</b>		<b>268,224,122</b>
<b>Community Relations Board</b>		<b>913,344</b>
<b>Department of Consumer Affairs</b>		<b>315,424</b>
<b>Department of Public Service</b>		<b>34,338,359</b>
<b>Department of Parks, Recreation &amp; Properties</b>		<b>35,269,173</b>
<b>Urban Planning &amp; Development</b>		<b>16,837,878</b>
<b>Department of Public Health</b>		<b>11,785,690</b>
<b>Department of Aging</b>		<b>423,592</b>
<b>Support Functions</b>		<b>37,330,563</b>
<b>Transfers to Other Funds</b>		<b>21,684,158</b>
		<hr/>
<b>TOTAL EXECUTIVE BRANCH</b>		<b>\$ 429,330,086</b>
		<hr/> <hr/>
<b>TOTAL GENERAL FUND</b>		<b>\$ 467,144,646</b>
		<hr/> <hr/>
<b>Special Revenue Funds</b>		<b>\$ 57,043,972</b>
<b>Internal Service Funds</b>		<b>22,557,536</b>
<b>Enterprise Funds</b>		<b>592,483,565</b>
<b>Trust and Agency Funds</b>		<b>8,877,805</b>
<b>Debt Service Funds</b>		<b>54,409,023</b>
		<hr/>
<b>TOTAL APPROPRIATIONS FOR 2004</b>		<b>\$1,202,516,547</b>
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**GENERAL GOVERNMENT**

**LEGISLATIVE BRANCH**

<b>Council and Clerk of Council</b>		<b>\$5,579,211</b>
<b>I. Personnel and Related Expenses</b>	<b>\$4,300,309</b>	
<b>II. Other Expenses</b>	<b>1,278,902</b>	
		<hr/>
<b>TOTAL LEGISLATIVE BRANCH</b>		<b>\$5,579,211</b>
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**MUNICIPAL COURT**

<b>Municipal Court - Judicial Division</b>		<b>\$19,594,694</b>
<b>I. Personnel and Related Expenses</b>	<b>\$17,289,419</b>	
<b>II. Other Expenses</b>	<b>2,305,275</b>	
		<hr/>
<b>Municipal Court - Housing Division</b>		<b>\$2,785,396</b>
<b>I. Personnel and Related Expenses</b>	<b>\$2,651,084</b>	
<b>II. Other Expenses</b>	<b>134,312</b>	
		<hr/>
<b>Municipal Court - Clerk's Division</b>		<b>\$9,855,259</b>
<b>I. Personnel and Related Expenses</b>	<b>\$7,928,385</b>	
<b>II. Other Expenses</b>	<b>1,926,874</b>	
		<hr/>
<b>TOTAL MUNICIPAL COURT</b>		<b>\$32,235,349</b>
		<hr/> <hr/>

**EXECUTIVE BRANCH**

<b>Office of the Mayor</b>		<b>\$2,207,783</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,958,137</b>	
<b>II. Other Expenses</b>	<b>249,646</b>	
<b>TOTAL EXECUTIVE BRANCH</b>		<b>\$2,207,783</b>

**DEPARTMENT OF PUBLIC SAFETY**

<b>Public Safety Administration</b>		<b>\$2,923,448</b>
<b>I. Personnel and Related Expenses</b>	<b>\$2,577,240</b>	
<b>II. Other Expenses</b>	<b>346,208</b>	
<b>Division of Police</b>		<b>\$168,151,166</b>
<b>I. Personnel and Related Expenses</b>	<b>\$157,657,362</b>	
<b>II. Other Expenses</b>	<b>10,493,804</b>	
<b>Division of Fire</b>		<b>\$76,129,643</b>
<b>I. Personnel and Related Expenses</b>	<b>\$73,371,570</b>	
<b>II. Other Expenses</b>	<b>2,758,073</b>	
<b>Division of Emergency Medical Services</b>		<b>\$20,161,824</b>
<b>I. Personnel and Related Expenses</b>	<b>\$18,578,701</b>	
<b>II. Other Expenses</b>	<b>1,583,123</b>	
<b>Division of Dog Pound</b>		<b>\$858,041</b>
<b>I. Personnel and Related Expenses</b>	<b>\$729,953</b>	
<b>II. Other Expenses</b>	<b>128,088</b>	
<b>TOTAL DEPARTMENT OF PUBLIC SAFETY</b>		<b>\$268,224,122</b>

**COMMUNITY RELATIONS BOARD**

<b>Community Relations Board</b>		<b>\$913,344</b>
<b>I. Personnel and Related Expenses</b>	<b>\$814,415</b>	
<b>II. Other Expenses</b>	<b>98,929</b>	
<b>TOTAL COMMUNITY RELATIONS BOARD</b>		<b>\$913,344</b>

**DEPARTMENT OF CONSUMER AFFAIRS**

<b>Consumer Affairs</b>		<b>\$315,424</b>
<b>I. Personnel and Related Expenses</b>	<b>\$230,289</b>	
<b>II. Other Expenses</b>	<b>85,135</b>	
<b>TOTAL DEPARTMENT OF CONSUMER AFFAIRS</b>		<b>\$315,424</b>

**DEPARTMENT OF PUBLIC SERVICE**

<b>Public Service Administration</b>		<b>\$517,582</b>
<b>I. Personnel and Related Expenses</b>	<b>\$503,903</b>	
<b>II. Other Expenses</b>	<b>13,679</b>	
<b>Division of Architecture</b>		<b>\$680,858</b>
<b>I. Personnel and Related Expenses</b>	<b>\$654,268</b>	
<b>II. Other Expenses</b>	<b>26,590</b>	



<b>Division of Waste Collection and Disposal</b>		<b>\$24,769,957</b>
<b>I. Personnel and Related Expenses</b>	<b>\$14,716,028</b>	
<b>II. Other Expenses</b>	<b>10,053,929</b>	
<b>Division of Engineering and Construction</b>		<b>\$4,828,989</b>
<b>I. Personnel and Related Expenses</b>	<b>\$4,532,341</b>	
<b>II. Other Expenses</b>	<b>296,648</b>	
<b>Division of Traffic Engineering</b>		<b>\$3,540,973</b>
<b>I. Personnel and Related Expenses</b>	<b>\$2,585,676</b>	
<b>II. Other Expenses</b>	<b>955,297</b>	
<b>TOTAL DEPARTMENT OF PUBLIC SERVICE</b>		<b><u>\$34,338,359</u></b>

**DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES**

<b>Parks, Recreation, and Properties Administration</b>		<b>\$721,314</b>
<b>I. Personnel and Related Expenses</b>	<b>\$566,607</b>	
<b>II. Other Expenses</b>	<b>154,707</b>	
<b>Division of Research, Planning, and Development</b>		<b>\$721,830</b>
<b>I. Personnel and Related Expenses</b>	<b>\$668,125</b>	
<b>II. Other Expenses</b>	<b>53,705</b>	
<b>Division of Recreation</b>		<b>\$11,575,795</b>
<b>I. Personnel and Related Expenses</b>	<b>\$8,435,024</b>	
<b>II. Other Expenses</b>	<b>3,140,771</b>	
<b>Division of Parking Facilities-On Street</b>		<b>\$1,118,106</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,085,597</b>	
<b>II. Other Expenses</b>	<b>32,509</b>	
<b>Division of Property Management</b>		<b>\$8,138,755</b>
<b>I. Personnel and Related Expenses</b>	<b>\$6,010,740</b>	
<b>II. Other Expenses</b>	<b>2,128,015</b>	
<b>Division of Park Maintenance and Properties</b>		<b>\$12,993,373</b>
<b>I. Personnel and Related Expenses</b>	<b>\$8,746,910</b>	
<b>II. Other Expenses</b>	<b>4,246,463</b>	
<b>TOTAL PARKS, RECREATION, AND PROPERTIES</b>		<b><u>\$35,269,173</u></b>

**URBAN PLANNING AND DEVELOPMENT**

**DEPARTMENT OF COMMUNITY DEVELOPMENT**

<b>Division of Administrative Services</b>		<b>\$802,383</b>
<b>I. Personnel and Related Expenses</b>	<b>\$697,383</b>	
<b>II. Other Expenses</b>	<b>105,000</b>	
<b>Director's Office</b>		<b>\$239,647</b>
<b>I. Personnel and Related Expenses</b>	<b>\$239,647</b>	
<b>Division of Neighborhood Development</b>		<b>\$862,226</b>
<b>I. Personnel and Related Expenses</b>	<b>\$662,226</b>	
<b>II. Other Expenses</b>	<b>200,000</b>	
<b>Division of Neighborhood Services</b>		<b>\$420,783</b>
<b>I. Personnel and Related Expenses</b>	<b>\$420,783</b>	
<b>TOTAL COMMUNITY DEVELOPMENT</b>		<b><u>\$2,325,039</u></b>

## DEPARTMENT OF BUILDING AND HOUSING

<b>Building and Housing Dir. Office</b>		<b>\$2,098,165</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,700,669</b>	
<b>II. Other Expenses</b>	<b>397,496</b>	
<b>Division of Code Enforcement</b>		<b>\$6,714,495</b>
<b>I. Personnel and Related Expenses</b>	<b>\$6,482,018</b>	
<b>II. Other Expenses</b>	<b>232,477</b>	
<b>Division of Construction Permit</b>		<b>\$1,619,430</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,597,730</b>	
<b>II. Other Expenses</b>	<b>21,700</b>	
<b>TOTAL BUILDING AND HOUSING</b>		<b>\$10,432,090</b>

## REGULATORY BOARDS AND COMMISSIONS

<b>Landmarks Commission</b>		<b>\$169,605</b>
<b>I. Personnel and Related Expenses</b>	<b>\$162,531</b>	
<b>II. Other Expenses</b>	<b>7,074</b>	
<b>Board of Building Standards and Appeals</b>		<b>\$106,103</b>
<b>I. Personnel and Related Expenses</b>	<b>\$93,265</b>	
<b>II. Other Expenses</b>	<b>12,838</b>	
<b>Board of Zoning Appeals</b>		<b>\$284,870</b>
<b>I. Personnel and Related Expenses</b>	<b>\$270,168</b>	
<b>II. Other Expenses</b>	<b>14,702</b>	
<b>Total Regulatory Boards</b>		<b>\$560,578</b>

## DEPARTMENT OF ECONOMIC DEVELOPMENT

<b>Economic Development</b>		<b>\$1,127,280</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,069,634</b>	
<b>II. Other Expenses</b>	<b>57,646</b>	
<b>Total Department of Economic Development</b>		<b>\$1,127,280</b>
<b>Office of Equal Opportunity</b>		<b>\$900,962</b>
<b>I. Personnel and Related Expenses</b>	<b>\$865,829</b>	
<b>II. Other Expenses</b>	<b>35,133</b>	
<b>City Planning Commission</b>		<b>\$1,491,929</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,429,996</b>	
<b>II. Other Expenses</b>	<b>61,933</b>	
<b>TOTAL URBAN PLANNING AND DEVELOPMENT</b>		<b>\$16,837,878</b>

## DEPARTMENT OF PUBLIC HEALTH

<b>Public Health Administration</b>		<b>\$733,141</b>
<b>I. Personnel and Related Expenses</b>	<b>\$632,544</b>	
<b>II. Other Expenses</b>	<b>100,597</b>	
<b>Division of Correction</b>		<b>\$6,256,540</b>
<b>I. Personnel and Related Expenses</b>	<b>\$4,912,728</b>	
<b>II. Other Expenses</b>	<b>1,343,812</b>	

<b>Division of Health</b>		<b>\$3,241,738</b>
<b>I. Personnel and Related Expenses</b>	<b>\$2,431,284</b>	
<b>II. Other Expenses</b>	<b>810,454</b>	
<b>Division of Environment</b>		<b>\$1,124,740</b>
<b>I. Personnel and Related Expenses</b>	<b>\$902,151</b>	
<b>II. Other Expenses</b>	<b>222,589</b>	
<b>Division of Air Quality</b>		<b>\$429,531</b>
<b>I. Personnel and Related Expenses</b>	<b>\$106,643</b>	
<b>II. Other Expenses</b>	<b>322,888</b>	
<b>TOTAL DEPARTMENT OF PUBLIC HEALTH</b>		<b>\$11,785,690</b>

**DEPARTMENT OF AGING**

<b>DEPARTMENT OF AGING</b>		<b>\$423,592</b>
<b>I. Personnel and Related Expenses</b>	<b>\$354,734</b>	
<b>II. Other Expenses</b>	<b>68,858</b>	
<b>TOTAL DEPARTMENT OF AGING</b>		<b>\$423,592</b>

**SUPPORT FUNCTIONS  
FINANCIAL AND LEGAL ADMINISTRATION**

**DEPARTMENT OF FINANCE**

<b>Finance Administration</b>		<b>\$705,082</b>
<b>I. Personnel and Related Expenses</b>	<b>\$653,380</b>	
<b>II. Other Expenses</b>	<b>51,702</b>	
<b>Division of Accounts</b>		<b>\$1,394,846</b>
<b>I. Personnel and Related Expenses</b>	<b>\$983,075</b>	
<b>II. Other Expenses</b>	<b>411,771</b>	
<b>Division of Assessments and Licenses</b>		<b>\$1,430,409</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,258,247</b>	
<b>II. Other Expenses</b>	<b>172,162</b>	
<b>Division of Treasury</b>		<b>\$510,568</b>
<b>I. Personnel and Related Expenses</b>	<b>\$444,773</b>	
<b>II. Other Expenses</b>	<b>65,795</b>	
<b>Division of Purchases and Supplies</b>		<b>\$606,843</b>
<b>I. Personnel and Related Expenses</b>	<b>\$508,401</b>	
<b>II. Other Expenses</b>	<b>98,442</b>	
<b>Bureau of Internal Audit</b>		<b>\$652,917</b>
<b>I. Personnel and Related Expenses</b>	<b>\$395,852</b>	
<b>II. Other Expenses</b>	<b>257,065</b>	
<b>Division of Financial Reporting and Control</b>		<b>\$1,323,843</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,106,316</b>	
<b>II. Other Expenses</b>	<b>217,527</b>	
<b>Information Technology and Services</b>		<b>\$2,851,013</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,999,756</b>	
<b>II. Other Expenses</b>	<b>851,257</b>	
<b>Information Tech &amp; Planning</b>		<b>\$221,740</b>
<b>I. Personnel and Related Expenses</b>	<b>\$221,490</b>	
<b>II. Other Expenses</b>	<b>250</b>	
<b>TOTAL DEPARTMENT OF FINANCE</b>		<b>\$9,697,261</b>

<b>Office of Budget &amp; Management-Budget Admin.</b>		<b>\$586,329</b>
<b>I. Personnel and Related Expenses</b>	<b>\$574,450</b>	
<b>II. Other Expenses</b>	<b>11,879</b>	
<b>Department Law</b>		<b>\$7,684,436</b>
<b>I. Personnel and Related Expenses</b>	<b>\$6,099,651</b>	
<b>II. Other Expenses</b>	<b>1,584,785</b>	
<b>TOTAL FINANCE AND LEGAL ADMINISTRATION</b>		<b>\$17,968,026</b>
<b>PERSONNEL ADMINISTRATION</b>		
<b>Office of Personnel</b>		<b>\$1,530,612</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,273,147</b>	
<b>II. Other Expenses</b>	<b>257,465</b>	
<b>Civil Service Commission</b>		<b>\$757,940</b>
<b>I. Personnel and Related Expenses</b>	<b>\$585,423</b>	
<b>II. Other Expenses</b>	<b>172,517</b>	
<b>TOTAL PERSONNEL ADMINISTRATION</b>		<b>\$2,288,552</b>
<b>NONDEPARTMENTAL</b>		
<b>County Auditor Deductions</b>		<b>\$1,043,000</b>
<b>II. Other Expenses</b>	<b>\$1,043,000</b>	
<b>Other Administrative</b>		<b>\$16,030,985</b>
<b>II. Other Expenses</b>	<b>\$16,030,985</b>	
<b>TOTAL NONDEPARTMENTAL</b>		<b>\$17,073,985</b>
<b>TOTAL SUPPORT FUNCTIONS</b>		<b>\$37,330,563</b>
<b>Transfers To Other Funds</b>		<b>\$21,684,158</b>
<b>II. Other Expenses</b>	<b>\$21,684,158</b>	
<b>TOTAL GENERAL FUND</b>		<b>\$467,144,646</b>
<b>SPECIAL REVENUE FUND</b>		
<b>Restricted Income Tax Fund</b>		<b>\$32,760,472</b>
<b>I. Capital</b>	<b>\$12,760,472</b>	
<b>II. Debt Service</b>	<b>20,000,000</b>	
<b>Street Construction, Maintenance &amp; Repair Fund</b>		<b>\$22,283,500</b>
<b>I. Personnel and Related Expenses</b>	<b>\$15,151,580</b>	
<b>II. Other Expenses</b>	<b>7,131,920</b>	
<b>Schools Recreation &amp; Cultural Activities Fund</b>		<b>\$2,000,000</b>
<b>II. Other Expenses</b>	<b>\$2,000,000</b>	
<b>TOTAL SPECIAL REVENUE FUNDS</b>		<b>\$57,043,972</b>
<b>INTERNAL SERVICE FUND</b>		
<b>Information Technology and Services-Telephone Exchange</b>		<b>\$5,838,110</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,015,791</b>	
<b>II. Other Expenses</b>	<b>4,822,319</b>	

<b>Division of Motor Vehicle Maintenance</b>		<b>\$14,179,193</b>
<b>I. Personnel and Related Expenses</b>	<b>\$6,116,817</b>	
<b>II. Other Expenses</b>	<b>8,062,376</b>	
<b>Division of Printing and Reproduction</b>		<b>\$1,609,360</b>
<b>I. Personnel and Related Expenses</b>	<b>\$757,753</b>	
<b>II. Other Expenses</b>	<b>851,607</b>	
<b>City Storeroom and Central Warehouse</b>		<b>\$930,873</b>
<b>I. Personnel and Related Expenses</b>	<b>\$83,845</b>	
<b>II. Other Expenses</b>	<b>847,028</b>	
<b>TOTAL INTERNAL SERVICE FUNDS</b>		<b>\$22,557,536</b>

**ENTERPRISE FUNDS**

**DEPARTMENT OF PUBLIC UTILITIES**

<b>Utilities Administration</b>		<b>\$1,663,996</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,179,560</b>	
<b>II. Other Expenses</b>	<b>484,436</b>	
<b>Radio</b>		<b>\$2,359,923</b>
<b>I. Personnel and Related Expenses</b>	<b>\$153,892</b>	
<b>II. Other Expenses</b>	<b>2,206,031</b>	
<b>Division of Fiscal Control</b>		<b>\$2,936,558</b>
<b>I. Personnel and Related Expenses</b>	<b>\$2,668,868</b>	
<b>II. Other Expenses</b>	<b>267,690</b>	
<b>Division of Water</b>		<b>\$241,542,714</b>
<b>I. Personnel and Related Expenses</b>	<b>\$80,137,459</b>	
<b>II. Other Expenses</b>	<b>161,405,255</b>	
<b>Division of Water Pollution Control</b>		<b>\$24,686,971</b>
<b>I. Personnel and Related Expenses</b>	<b>\$9,148,262</b>	
<b>II. Other Expenses</b>	<b>15,538,709</b>	
<b>Division of Cleveland Public Power</b>		<b>\$149,799,768</b>
<b>I. Personnel and Related Expenses</b>	<b>\$27,357,201</b>	
<b>II. Other Expenses</b>	<b>122,442,567</b>	
<b>TOTAL DEPARTMENT OF PUBLIC UTILITIES</b>		<b>\$422,989,930</b>

**DEPARTMENT OF PORT CONTROL**

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

**DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES**

<b>Division of Cemeteries</b>		<b>\$1,969,710</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,597,757</b>	
<b>II. Other Expenses</b>	<b>371,953</b>	

<b>Golf Course Fund</b>		<b>\$2,398,416</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,306,513</b>	
<b>II. Other Expenses</b>	<b>1,091,903</b>	
<b>Division of Parking Facilities-Off Street Parking</b>		<b>\$8,578,487</b>
<b>I. Personnel and Related Expenses</b>	<b>\$1,271,999</b>	
<b>II. Other Expenses</b>	<b>7,306,488</b>	
<b>Division of Convention Center</b>		<b>\$6,400,000</b>
<b>I. Personnel and Related Expenses</b>	<b>\$3,497,704</b>	
<b>II. Other Expenses</b>	<b>2,902,296</b>	
<b>Division of Convention Center &amp; Stadium-West Side Market</b>		<b>1,104,611</b>
<b>I. Personnel and Related Expenses</b>	<b>\$452,195</b>	
<b>II. Other Expenses</b>	<b>652,416</b>	
<b>Division of Convention Center &amp; Stadium-Stadium</b>		<b>\$10,500,000</b>
<b>II. Other Expenses</b>	<b>\$10,500,000</b>	
<b>Division of Property Management - East Side Market</b>		<b>\$77,777</b>
<b>I. Personnel and Related Expenses</b>	<b>\$54,676</b>	
<b>II. Other Expenses</b>	<b>23,101</b>	
<b>TOTAL PARKS, RECREATION, &amp; PROPERTIES</b>		<b><u>\$31,029,001</u></b>
<b>TOTAL ENTERPRISE FUNDS</b>		<b><u>\$592,483,565</u></b>
<b>AGENCY FUND</b>		
<b>Central Collection Agency</b>		<b>\$8,877,805</b>
<b>I. Personnel and Related Expenses</b>	<b>\$5,954,460</b>	
<b>II. Other Expenses</b>	<b>2,923,345</b>	
<b>TOTAL AGENCY FUND</b>		<b><u>\$8,877,805</u></b>
<b>DEBT SERVICE FUND</b>		
<b>Sinking Fund Commission</b>		<b>\$54,409,023</b>
<b>I. Personnel and Related Expenses</b>	<b>\$150,573</b>	
<b>II. Other Expenses</b>	<b>403,824</b>	
<b>III. Debt Service</b>	<b>53,854,626</b>	
<b>TOTAL DEBT SERVICE FUNDS</b>		<b><u>\$54,409,023</u></b>

**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.

**BOARD OF CONTROL**

March 17, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 17, 2004, at 10:30 a.m. with Director Konicek presiding.

Present: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Donna Felder, Director, Office of Equal Opportunity.

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

**Resolution No. 115-04.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of February, 2004 in the amount of \$44.46, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 116-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc., d.b.a. Leader Electric Supply Co., for an estimated quantity of lamps, all items, 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 January 21, 2004, pursuant to the authority of Ordinance No. 2020-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), 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. 147823

which shall be certified against such contract in the sum of Ten Thousand and 00/100 Dollars (\$10,000.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 117-04.**

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that the bid of Woodhill Supply Inc., for an estimated quantity of dry cell batteries, item nos. 1-27, & 30, 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 January 21, 2004 pursuant to the authority of Ordinance No. 2025-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Nine Thousand One Hundred Eighty-One and 33/100 Dollars (\$9,181.33), 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. 131284

which shall be certified against such contract in the sum of Three Thousand and 00/100 Dollars (\$3,000.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 118-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that all bids received on January 21, 2004, for the purchase of an estimated quantity of dry cell batteries, item nos. 28 & 29, for the various divisions of City government, pursuant to the authority of Ordinance No. 2025-03, passed by the Council of the City of Cleveland on a November 10, 2003, be and the same are hereby rejected.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 119-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graham Enterprises, d.b.a. Aries

Distribution, for an estimated quantity of janitorial supplies, all items, 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 January 22, 2004 pursuant to the authority of Ordinance No. 2027-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Two Hundred Thirty-One Thousand Eight Hundred Eleven and 37/100 Dollars (\$231,811.37), 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 Nos. 134930 &amp; 139814

which shall be certified against such contract in the sum of Sixteen Thousand and 00/100 Dollars (\$16,000.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 120-04.**

By Director Baker.

Resolved, by Board of Control of the City of Cleveland that the bid of Servco Products, Inc., for an estimated quantity of fasteners, groups I, II, III, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVII, for the various divisions of City government, for the period of two (2) years beginning with the date of execution of a contract, received on January 30, 2004, pursuant to the authority of Ordinance No. 2019-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Seventy-One Thousand Four Hundred Ninety-Four and 83/100 Dollars (\$71,494.83), 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. 147958

which shall be certified against such contract in the sum of Three Thousand Six Hundred One and 00/100 Dollars (\$3,601.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus,

Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 121-04.**

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bosworth Industrial Supply, for an estimated quantity of fasteners, groups IV, V, and XVI, for the various divisions of City government, for the period of two (2) years beginning with the date of execution of a contract, received on January 30, 2004, pursuant to the authority of Ordinance No. 2019-03, passed November 10, 2003, which on the basis of the estimated quantity would amount to Two Thousand Ninety-Seven and 54/100 Dollars (\$2,097.54), 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. 147903 which shall be certified against such contract in the sum of Five Hundred and 00/100 Dollars (\$500.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 122-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Coyne Textile Services, for an estimated quantity of rental and laundry of work clothing, all items, 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 January 16, 2004, pursuant to the authority of Ordinance No. 2137-03, passed January 26, 2004, which on the basis of the estimated quantity would amount to One Hundred One Thousand Eighty-Five and 40/100 Dollars (\$101,085.40), 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 Nos. 113072, 111700 & 129059 which shall be certified against such contract in the sum of Eleven Thousand Three Hundred One and 00/100 Dollars (\$11,301.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 123-04.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on December 12, 2003, for 60' aerial devices, for the various divisions of City government, pursuant to the authority of Ordinance No. 1169-03, passed by the Council of the City of Cleveland on July 16, 2003, are hereby rejected.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 124-04.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cleveland State University, Division of Continuing Education, under the contract for services necessary to administer a comprehensive program that provides technology training necessary to support the staff's skill development, for the Division of Water, Department of Public Utilities, authorized by Ordinance No. 1077-02, passed June 17, 2002, and Board of Control Resolution No. 677-03, adopted November 5, 2003, is hereby approved:

Subcontractor	Work	Percentage
Exential, LLC.		.62 %
Computer Training Partner	\$2,400.00	.13 %

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 125-04.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 752-03, adopted by this Board of Control on December 24, 2003, approving the bid of R & R Construction as the lowest and best for labor, materials and services necessary to install and maintain Outdoor Residential Lighting and Energy Efficient Programs, item nos. 21 thru 28 for the Division of Cleveland Public Power, Department of Public Utilities, is hereby rescinded.

Be it further resolved, that all bids received on November 14, 2003, for labor, materials and services necessary to install and maintain Outdoor Residential Lighting and Efficient Programs, item nos. 21 thru 28 for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 1154-03 passed by the Council of the City of Cleveland on June 16, 2003, be and the same are hereby rejected.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 126-04.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of AMCO Water Metering Systems Inc., except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of small water meters (Items 1 and 3) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Forty Six Thousand Three Hundred Fifty Dollars and 00/100 Cents (\$1,046,350.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 142815 which shall be certified against such contract in the sum of Two Hundred Thousand Dollars and 00/100 Cents (\$200,000.00).

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

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 127-04.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Badger Meter, Inc. for an estimated quantity of small water meters (Items 2, 4-6) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section



129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Four Hundred Eighty Seven Thousand Five Hundred Ninety Five Dollars and 00/100 Cents (\$487,595.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 142816**

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

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

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 128-04.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hughes Supply, Inc. for an estimated quantity of small water meters (Items 8 - 10) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Seventy Thousand Seven Hundred Sixty Dollars and 00/100 Cents (\$170,760.00) (0% Net 30) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 142865**

which shall be certified against such contract in the sum of Fifty Thousand Dollars and 00/100 Cents (\$50,000.00)

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

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 129-04.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Woodhill Supply Inc. for an estimated quantity of small water meters (Item 7) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 19th day of December, 2003, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Twenty Two Thousand Four Hundred Dollars and 00/100 Cents (\$22,400.00) (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 142817**

which shall be certified against such contract in the sum of Five Thousand Dollars and 00/100 Cents (\$5,000.00).

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

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 130-04.**

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 552-2000, as amended by Ordinance No. 1234-2000, passed by the Council of the City of Cleveland on June 19, 2000 and July 17, 2000, respectively, and Board of Control Resolution No. 26-04, adopted on January 28, 2004, this Board affirmed and approved Middough Consulting, Inc. ("Consultant") as the firm most qualified to provide professional design services necessary for preparation of plans and specifications, for the Altitude Combustion Stand (ACS), the final Preliminary Engineering Report (PER), facility under the NASA South 40 Project at Cleveland Hopkins International Airport; and

Whereas, Board of Control Resolution No. 26-04, omitted reference to authorizing Ordinance No. 1107-94, passed June 13, 1994, which also authorizes certain work at NASA; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 26-04, adopted January 28, 2004 is amended by including reference to authorizing Ordinance No. 1107-94, passed June 13, 1994.

Be it further resolved that all other provisions of said Resolution No. 26-04 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 131-04.**

By Director Mok.

Whereas, under Ordinance No. 2377-02, passed by Cleveland City Council on December 16, 2002, and Board of Control Resolution No. 196-03, adopted April 2, 2003, the City, through its Director of Port Control, entered into City Contract No. 61116 with G. R. Osterland Co. for the necessary items of asphalt, concrete and tack coat, including labor and materials necessary for the delivery, spreading and compacting to repair roadways and runways, for the various divisions of Port Control; and

Whereas, by February 10, 2004 letter, The Shelly Company notified the City of its acquisition of G. R. Osterland Co. effectively requesting assignment of the contract and that The Shelly Company is undertaking all of G. R. Osterland Co.'s obligations under City Contract No. 61116 without waiving any of G. R. Osterland Co.'s obligations or the City's rights under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges and consents to the acquisition of G. R. Osterland Co. by The Shelly Company and consents to the assignment of City Contract No. 61116 to The Shelly Company.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary to effect and recognize the name change and the consent to assignment of City Contract No. 61116 authorized. A copy of the consent to the name change and consent to assignment of City Contract No. 61116 shall be filed in the office of the Commissioner of Accounts.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 132-04.**

By Director Mok.

Whereas, the Sherwin Williams Company wishes to utilize the Main Lobby, West Concourse, and 2nd Floor Banquet Room at Burke Lakefront Airport (the "Airport") for a 2004 Customer Pro Show on March 25, 2004; and

Whereas, the City is willing to grant the Sherwin Williams Company the privilege, permit, and license to conduct the Event at the Airport; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement (the "Agreement") granting the Sherwin Williams Company the

privilege, permit, and license, to conduct the Event in the Main Lobby, West Concourse and 2nd Floor Banquet Room at Burke Lakefront Airport, from 9:00 a.m. to 6:00 p.m. on March 25, 2004, and to use and occupy the Main Lobby, West Concourse, and 2nd Floor Banquet Room, for such period of time before the Event as necessary for preparation not to exceed 5 hours. The Sherwin Williams Company shall pay the City a fee of \$2,220.99 for the Event, and shall be responsible at its expense for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as the Director deems necessary to benefit and protect the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 133-04.**

By Director Mok.

Whereas, Kaiser Permanente wishes to utilize the Main Lobby, West Concourse, and 2nd Floor Banquet Room at Burke Lakefront Airport (the "Airport") for an annual President's Ball on May 15, 2004; and

Whereas, the City is willing to grant Kaiser Permanente the privilege, permit, and license to conduct the Event at the Airport; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement (the "Agreement") granting Kaiser Permanente the privilege, permit, and license, to conduct the Event in the Main Lobby, West Concourse and 2nd Floor Banquet Room at Burke Lakefront Airport, from 7:00 p.m. to 12:00 a.m. on May 15, 2004, and to use and occupy the Main Lobby, West Concourse, and 2nd Floor Banquet Room, for such period of time before the Event as necessary for preparation not to exceed 5 hours. Kaiser Permanente shall pay the City a fee of \$2,381.20 for the Event, and shall be responsible at its expense for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as the Director deems necessary to benefit and protect the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 134-04.**

By Director Mok.

Whereas, under Ordinance Nos. 552-2000 and 1234-2000, passed June 19, 2000 and July 17, 2000, respec-

tively, as amended by Ordinance No. 2326-03, passed February 2, 2004, and Board of Control Resolution No. 77-01, adopted February 14, 2001, as amended by Board of Control Resolution No. 327-01, adopted May 16, 2001, the City, through its Director of Port Control, entered into City Contract No. 57980 with GSI Architects, Inc., for the purpose of providing professional architectural/engineering services for the design of the FAA TRACON renovation at Cleveland Hopkins International Airport for the Department of Port Control; and

Whereas, the City has determined to modify the scope of work to include additional engineering design services to complete the FAA TRACON renovation; and

Whereas, Consultant has proposed by its letter dated November 15, 2003 to perform the additional services necessary; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter into a first modification to the agreement between the City of Cleveland and GSI Architects, Inc., City Contract No. 57980, to include additional engineering design services necessary to complete the detailed design of the FAA TRACON renovation at Cleveland Hopkins International Airport based on Consultant's proposal dated November 15, 2003. The amount to be paid for these additional services shall not exceed Thirty-Four Thousand Four Hundred Ninety-Six and 82/100 Dollars (\$34,496.82), thereby increasing the total contract amount not to exceed Three Hundred Eighty Thousand Two Hundred Sixty-Seven and 82/100 (\$380,267.82).

Be it further resolved that Board of Control Resolution No. 77-01, adopted February 14, 2001, as amended by Resolution No. 327-01, adopted May 16, 2001, affirming and approving a professional service agreement to GSI Architects, Inc., is amended by changing the subcontract amount of Roberts Consultants to 19% MBE (\$72,400.00).

Be it further resolved that Board of Control Resolution No. 77-01, adopted February 14, 2001, as amended by Resolution No. 327-01, adopted May 16, 2001, is further amended by deleting reference to the employment of Vocon Design as a subconsultant to GSI Architects, Inc. and substituting in lieu thereof, the employment of Bonnie Banks Design, 3% FBE (\$10,000.00).

Be it further resolved that all other terms of said Resolution Nos. 77-01 and 327-01 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 135-04.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Sill's Motor Sales, Co. for an estimated quantity of various

mower and cutting equipment parts and labor, items 1 and 2, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on January 15, 2004, pursuant to the authority of Ordinance No. 803-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Forty Five Thousand and no/100 Dollars (\$45,000.00) (2% Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service 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. 130252**

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 136-04.**

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Crown Cleaning Systems and Supply, Inc. for a quantity of high pressure power washers, all items, for the Division of Waste Collection and Disposal, Department of Public Service, for the period of one (1) year, beginning with the date of execution of a contract, received on November 19, 2003, pursuant to the authority of Ordinance No. 1257-03, passed July 16, 2003, which would amount to approximately Eleven Thousand Seven Hundred Thirty and no/100 Dollars (\$11,730.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service 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. 130434**

which shall be certified against such contract in the sum of Eleven Thousand Seven Hundred Thirty and no/100 Dollars (\$11,730.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.  
Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 137-04.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Zoresco Equipment Ohio for an estimated quantity of Meyer snow plow and spreader parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on January 15, 2004, pursuant to the authority of Ordinance No. 802-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Ninety Thousand and no/100 Dollars (\$90,000.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service 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. 130253 which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.  
Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 138-04.**

By Director Ricchiuto.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of R.W. Clark Company, Inc., for the public improvement of the Fire Training Tower and Fire Academy HVAC replacement base bid, and alternate 1 for the Department of Public Service, received on October 9, 2003, pursuant to the authority of Ordinance No. 838-02, passed June 3, 2002, for a gross price for the improvement in the aggregate amount of Seven Hundred Fifty Two Thousand Eight Hundred and No/100 Dollars (\$752,800.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service 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.W. Clark Company, Inc., are hereby approved:

<u>Subcontractor</u> <u>MBE/FBE</u>	<u>Amount</u> <u>Percentage</u>
Post Painting FBE	\$4,200 — .55%
Work Best Electric FBE	\$24,247 — 3.22%
P & L Industries FBE	\$87,000 — 11.56%
International Synthetics	\$120,000 — 15.94%
Columbia Building Products	\$40,000 — 5.31%
Cohara Construction	\$8,000 — .11%
Warren Roofing	\$7,500 — 1.00%
Fire Facilities Inc.	\$150,000 — 19.93%

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.  
Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 139-04.**

By Director Ricchiuto.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Brom Truck, Inc. for an estimated quantity of cab/chassis with 25-cubic yards refuse packer including option 1, 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 January 2, 2004, pursuant to the authority of Ordinance No. 1845-02, passed by the Council of the City of Cleveland on October 7, 2002, which on the basis of the estimated quantity would amount to Two Million Ninety-Two Thousand Three Hundred Seventy-Six and 00/100 Dollars (\$2,092,376.00) (Net-30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service 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. 130127 which shall be certified against such contract in the sum of One Million Nine Hundred Thirty-One Thousand Four Hundred Twenty-Four and 00/100 Dollars (\$1,931,424.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Brom Truck, Inc. for the above mentioned purchase is hereby approved:

Johnson Driveaway	MBE — \$500.00 per unit — 0.330%
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Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok,

Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.  
Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 140-04.**

By Director Watson.  
Resolved by the Board of Control of the City of Cleveland that the bid of MGE UPS Systems, Inc. for service and maintenance of the MGE UPS System for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 16, 2003, pursuant to the authority of Ordinance No. 2211-2000, passed December 18, 2000, which on the basis of the estimated quantity would amount to Ten Thousand One Hundred Fifty-Two and 00/100 Dollars (\$10,152.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 121724 as specified, which shall be certified against such contract in the sum of Ten Thousand One Hundred Fifty-Two and 00/100 Dollars (\$10,152.00).

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 Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.  
Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 141-04.**

By Director Ronayne.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of F. Buddie Contracting, Ltd., for the public improvement of Thurgood Marshall Recreation Center, Helen Simpson Park and Orr Park Site Improvements, for Base Bid Items #A1 - #A46 and Add Alternate Items #AA1A - AA5A including the 5% contingency (Thurgood Marshall), Base Bid Items #B1 - #B12 including the 5% contingency (Helen Simpson Park) and Base Bid Items #C1 - #C12 including the 5% contingency (Orr Park) for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on February 18, 2004, 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 Nineteen Thousand Seven Hundred Eighteen and 08/100 Dollars (\$519,718.08), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

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

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Einheit Electric	\$50,300.00	- 9.68%
Carrick Landscaping	\$37,872.00	- 7.29%
Service Asphalt	\$28,823.00	- 5.55%
Lito Trucking (MBE)	\$20,522.00	- 3.95%
Great Northern Fence	\$17,261.00	- 3.32%
Collinwood Concrete (FBE)	\$15,000.00	- 2.89%

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 142-04.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 008-13-031 and 008-13-079 located at Holmden Avenue in Ward 13; and

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

Whereas, Janice Ellen Bourell and Scott James Casey, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcel are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcels are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Janice Ellen Bourell and Scott James Casey for the sale and development of Permanent Parcel Nos. 008-13-031 and 008-13-079 located at Holmden Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 143-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1701-03, passed September 22, 2003, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property for the public purpose of future redevelopment of the property located at 13906 Idarose Avenue, also known as Permanent Parcel Number 111-27-132, to Euclid St. Clair Development Corporation, or its designee; and

Whereas, said Ordinance No. 1701-03 provided that the consideration to be paid for said parcel shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1701-03, passed by the Council of the City of Cleveland on September 10, 2003, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 13906 Idarose Avenue, also known as Permanent Parcel Number 111-27-132, to the Euclid St. Clair Development Corporation, or its designee. The consideration to be paid for said property is hereby fixed at One Dollar (\$1.00) which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 144-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 103-04, passed January 26, 2004, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property for the public purpose of future redevelopment of the property located at 3418 East 76th Street, also known as Permanent Parcel Number 125-36-079, to Slavic Village Development Corporation, or its designee; and

Whereas, said Ordinance No. 103-04 provided that the consideration to be paid for the property shall not exceed one dollar (\$1.00) and other valuable considerations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 103-04, passed by the Council of the City of Cleveland on January 26, 2004, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 3418 East 76th Street, also known as Permanent Parcel Number 125-36-079, to the Slavic Village Development Corporation, or its designee.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 145-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 2160-03, passed December 1, 2003, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property for the public purpose of future redevelopment of the property located at 3277 East 126th Street, also known as Permanent Parcel Number 130-05-048, to Mt. Pleasant Now Development Corporation, or its designee; and

Whereas, said Ordinance No. 2160-03 provided that the consideration to be paid for the property shall not exceed one dollar (\$1.00) and other valuable considerations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 2160-03, passed by the Council of the City of Cleveland on December 1, 2003, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 3277 East 126th Street, also known as Permanent Parcel Number 130-05-048, to Mt. Pleasant Now Development Corporation, or its designee.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 146-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 102-04, passed January 26, 2004, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property for the public purpose of future redevelopment of the property located at 1034 East 70th Street, also known as Permanent Parcel Number 105-26-110, to the Consortium for Economic and Community Development, or its designee; and

Whereas, said Ordinance No. 102-04 provided that the consideration to be paid for the property shall not exceed one dollar (\$1.00) and other valuable considerations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 102-04, passed by the Council of the City of Cleveland on January 26, 2004, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 1034 East 70th Street, also known as Permanent Parcel Number 105-26-110, to the Consortium for Economic and Community Development, or its designee.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 147-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1702-03, passed November 10, 2003, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property for the public purpose of future redevelopment of the property located at 1088 East 72nd Street, also known as Permanent Parcel Number 105-28-128, to the Consortium for Economic and Community Development, or its designee; and

Whereas, said Ordinance No. 1702-03 provided that the consideration to be paid for said parcel shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1702-03, passed by the Council of the City of Cleveland on November 10, 2003, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 1088 East 72nd Street, also known as Per-

manent Parcel Number 105-28-128, to the Consortium for Economic and Community Development, or its designee. The consideration to be paid for said property is hereby fixed at One Dollar (\$1.00) which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 148-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 2235-03, passed December 15, 2003, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property for the public purpose of future redevelopment of the property located at 18619 Arrowhead Avenue, also known as Permanent Parcel Numbers 114-15-078 and 114-15-079, to Northeast Shores Development Corporation, or its designee; and

Whereas, said Ordinance No. 2235-03 provided that the consideration to be paid for the property shall not exceed one dollar (\$1.00); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 2235-03, passed by the Council of the City of Cleveland on December 15, 2003, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 18619 Arrowhead Avenue, also known as Permanent Parcel Numbers 114-15-078 and 114-15-079, to Northeast Shores Development Corporation, or its designee.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims and Williams.

**Resolution No. 149-04.**

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1357-03, passed August 13, 2003, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is

authorized, by and at the direction of the Board of Control, to sell certain City owned property for the public purpose of future redevelopment of the property located at 813 Alhambra Road, also known as Permanent Parcel Number 115-26-145, to Northeast Shores Development Corporation; and

Whereas, said Ordinance No. 1357-03 provided that the consideration to be paid for the property shall not exceed one dollar (\$1.00) and other valuable considerations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1357-03, passed by the Council of the City of Cleveland on August 13, 2003, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property for the public purpose of future redevelopment of the property located at 813 Alhambra Road, also known as Permanent Parcel Number 115-26-145, to Northeast Shores Development Corporation.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Acting Directors Horvath, Abouserhal, Directors Konicek, Mok, Ricchiuto, Acting Director Pettus, Director Ronayne, Acting Director Ressenger, Directors Routen, Fumich and Taylor.

Nays: None.

Absent: Mayor Campbell, Directors Carroll, Sims 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, APRIL 5, 2004

9:30 A.M.

**Calendar No. 04-55:** 10721-23 St. Clair Avenue (Ward 8)

Eric Sims and Joann Drish, co-owners, appeal to change to a use as a day care, the first floor, only, of an existing two-story 42' x 68' masonry stores and dwelling units building, situated on a 50' x 100' parcel in a Local Retail Business District on the north side of St. Clair Avenue at 10721-23 St. Clair Avenue; subject to Section 343.01(b)(1) of the Regulations for Business Districts, in a Local Retail Business District, the proposed child day care must 15' away from the abutting Multi-Family District, if the adjoining premises is not used for a similar purpose, and contrary to the Off-Street Parking and Loading Requirements, no parking spaces are provided for the day care nor for any other uses of the building and one space per two day care employees is required as stated in Section 349.04 of the Codified Ordinances.

**Calendar No. 04-56:** 5016 Duke Avenue (Ward 17)

Alex Gordon, owner, appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 329.02(d) from being denied an Application for a Street Opening Permit by the Director of Public Service on March 3, 2004; where the proposed removal of pavement for a curb cut is requested to create an approximate 18'-8" apron at the existing curb line on the north side of Duke Avenue at the address of 5016 Duke Avenue.

**Calendar No. 04-58:** 3507 Carnegie Avenue (Ward 5)

Julian Kahan, a.k.a. JK Management LLC, owner, and Martin Benade, prospective purchaser, appeal to add a spray painting booth to an existing 64' x 104' one-story, legal, nonconforming auto body repair shop, situated on a 160' x 105' corner lot in a General Retail Business District on the northwest corner of East 36th Street and Carnegie Avenue at 3507 Carnegie Avenue; contrary to Section 343.11 of the Regulations for Business Districts, an auto body repair shop is not permitted in a General Retail Business District but first permitted in a Semi-Industry District; and subject to the provisions for Nonconforming Uses, the expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 04-60:** 3885 Rocky River Drive (Ward 21)

Westside Medical Center LLC, owner, and Fifth Third Bank, prospective purchaser c/o Gerald G. Weber, agent, appeal to erect a 4,116 s/f one-story bank building with drive through lanes and an accessory parking lot on a 35' x 181' irregular shaped parcel in a Local Retail Business District on the southeast corner of Rocky River Drive and Albers Avenue at 3885 Rocky River Drive; contrary to Section 343.01 of

the Business Districts Regulations, where the proposed use is first permitted in a General Retail Business District under Section 343.11(b)(2)(H), and an access driveway measurement of 14.3' is proposed where not less than 15' is required between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line, measured at the curb line as stated in Section 343.18(c) of the Codified Ordinances.

Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 22, 2004

At the meeting of the Board of Zoning Appeals on Monday, March 22, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 04-45:** 1216-26 East 105th Street

Bethany Baptist Church appealed to construct a parking lot on a 135' x 120' vacant parcel in a Local Retail Business District.

**Calendar No. 04-46:** 4142-46 Lorain Avenue

Harry Pallas appealed to change two storefronts of a one-story building from a tavern and a restaurant to a night club with live entertainment in a Local Retail Business District.

**Calendar No. 04-35:** 2266 West 41st Place

Phillip Erb appealed to erect a three-story, 2,000 s/f single family house on a 30' x 85' parcel in a Two-Family District.

The following appeals were **Denied**:

**Calendar No. 04-44:** 12319 Osceola Avenue

Willie C. Hubbard, owner, and Beverly Mills, agent, appealed to establish a Type A day care in the second floor of a two-family dwelling in an A1 One-Family District.

**Calendar No. 04-34:** 6501-03 Union Avenue

Jeffrey Oliver, Inc. appealed to change a former service station use to a sales lot for used cars on a 50' x 130' corner lot in a General Retail Business District.

The following appeals were **Postponed**:

**Calendar No. 04-47:** 13835 Lyric Avenue postponed to May 24, 2004.

**Calendar No. 04-48:** 3465-69 West 117th Street postponed to April 19, 2004.

**On Monday, March 22, 2004, in Executive Session:**

The following appeals were heard by the Board on Monday, March 15, 2004, and said decisions were ap-

proved and adopted in Executive Session on Monday, March 22, 2004:

The following appeals were **Approved**:

**Calendar No. 04-40:** 3819 West 140th Street

Kathi Santa, d.b.a. Santa's Workshop, Inc. appealed to erect a 586 s/f addition to a 26' x 46' two-story store and suite building, where the store is used for the sale of motorcycle parts in a Local Retail Business District.

**Calendar No. 04-43:** 4020 Wichita Avenue

Gregory Yearot appealed to erect a 15' in diameter, above ground swimming pool in the front yard area of a 1 1/2-story dwelling on a 38' x 141' parcel in a Two-Family District.

In Executive Session on March 22, 2004, the following appeal heard by the Board on March 8, 2004 and postponed to May 3, 2004 was **Withdrawn**:

**Calendar No. 04-39:** 14700 Miles Avenue

Michael S. Sudman, Trustee, owner, and Sprint Sites USA, lessee, appealed to co-locate communication antennas and equipment on an existing 100' telecommunication tower in a Semi-Industry District.

Secretary

## REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of  
March 10, 2004

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

\* \* \*

### Docket A-39-02.

RE: Appeal of Basma A. Hamid, Owner of the Proposed Day Care Center located on the premises known as 4801 Clark Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 6, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for April 7, 2004 in order for the Appellant to submit drawings and for the Fire Prevention Bureau to visit the property.

\* \* \*

### Docket A-125-03.

RE: Appeal of West Shore Realty, Inc., Owner of the Property located on the premises known as 4900 Lakeside Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 27, 2003, requiring compliance with the Codi-

fied Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket will be rescheduled for March 24, 2004, noting that the Building Department will re-inspect the property and to require that the Appellant return to the board hearing with an architect.

\* \* \*

**Docket A-2-04.**

RE: Appeal of Samuel Steel Picking Company, Owner of the Property located on the premises known as 4589 Johnston Parkway from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated December 11, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-2-04 has been WITHDRAWN at the request of the Fire Prevention Bureau.

\* \* \*

**Docket A-4-04.**

RE: Appeal of Bobby Cunningham, Owner of the One Story Masonry Commercial Parts Property located on the premises known as 13000 St. Clair Avenue from an ABATEMENT ORDER — FIRE CODE of the Chief of the Division of Fire, dated April 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-4-04 has been POSTPONED; to be rescheduled for April 07, 2004.

\* \* \*

**Docket A-19-04.**

RE: Appeal of Rysar Properties, Owner of the Property located on the premises known as 8205 Franklin Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 20, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variances for the protective openings on the South and West side property lines based on an acceptable deed restriction on the adjoining properties or on the existing properties to make it code compliant, if any building is put there; and to require the opening on the East side of the property to be ten (10) feet fire separation distance from the property line, noting that any future developments on the property would be approved for the one-hour rating. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Saunders (Acting Chairman), Gallagher, Saab, Bradley. Nays: None. Absent: Mr. Denk.

\* \* \*

**Docket A-20-04.**

RE: Appeal of Louis A. Frangos, Owner of the Property located on the premises known as 2215 East 14th Street from an ADJUDICATION ORDER of the Director of the

Department of Building and Housing, dated March 2, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the openings on both the north and south elevation to be without the fire resistance rating as long as deed restrictions are placed on the property to make those openings code compliant at some time in the future if future development occurs. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Saunders (Acting Chairman), Gallagher, Saab, Bradley. Nays: None. Absent: Mr. Denk.

\* \* \*

**Docket A-21-04.**

RE: Appeal of The City of Cleveland, Owner of the Proposed Temporary Adult Homeless Shelter Property located on the premises known as 4001 N. Marginal Road from a ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 26, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances to the three (3) items on the Adjudication Order dated February 26, 2004 to be extended for ninety (90) days, and to grant occupancy for the ninety (90) days while the work is in progress for code compliance, provided that there is a continues fire watch in effect. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Saunders (Acting Chairman), Gallagher, Saab, Bradley. Nays: None. Absent: Mr. Denk.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-130-01—Martin Enterprises.
- A-93-03—BMG Management Group.
- A-107-03—Joseph Freund & Rubin Freund.
- A-108-03—Ricardo B. Teamor.
- A-10-04—James & Marilyn Engel.

Yeas: Messrs. Saunders (Acting Chairman), Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher. Absent: Mr. Denk.

\* \* \*

**APPROVAL OF MINUTES:**

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

February 25, 2004

Yeas: Messrs. Saunders (Acting Chairman), Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher. Absent: Mr. Denk.

\* \* \*

Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

Scaled 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, MARCH 31, 2004**

Miscellaneous-Sized Steel Plates, for various divisions of Department of Finance, as authorized by Ordinance No. 2021-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MARCH 26, 2004 AT 10:00

A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

March 17, 2004 and March 24, 2004

**THURSDAY, APRIL 1, 2004**

**Water Pollution Control Building Phase I — (Guard House)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 597-03, 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, MARCH 25, 2004 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**Plumbing Equipment & Supplies**, for various divisions of Department of Finance, as authorized by Ordinance No. 425-03, passed by the Council of the City of Cleveland, March 31, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 26, 2004 AT 2:00 P.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 514, CLEVELAND, OHIO 44114.

March 17, 2004 and March 24, 2004

**FRIDAY, APRIL 2, 2004**

**Landscape Materials**, for various divisions of Department of Finance, as authorized by Ordinance No. 320-04 pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 26, 2004 AT 11:00 A.M., CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

**Repair Parts for Pumps, Small Engines and Saws**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, MONDAY, MARCH 22, 2004 AT 3:30 P.M., DIVISION OF WATER-PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

March 17, 2004 and March 24, 2004

**WEDNESDAY, APRIL 7, 2004**

**One (1) Flat Body and Crane**, for various divisions of Department of Public Service, as authorized by Ordinance No. 1683-03, passed by the Council of the City of Cleveland, September 22, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, MARCH 29, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHI-

CLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**One (1) Cargo Van with Interior Conversion Package**, for various divisions of Department of Finance, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, MARCH 29, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 17, 2004 and March 24, 2004

**THURSDAY, APRIL 8, 2004**

**Rehabilitation of West 41st Street (Archmere Avenue to Schiller Avenue) and West 88th Street (Denison Avenue to Clark Avenue)**, for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 365-03, passed by the Council of the City of Cleveland, May 12, 2003 and Ordinance No. 242-04 pending.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 1, 2004 AT 10:00 A.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 17, 2004 and March 24, 2004

**FRIDAY, APRIL 16, 2004**

**Electrical Supplies and Equipment**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2317-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 2, 2004 AT 10:00 A.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 17, 2004 and March 24, 2004

**WEDNESDAY, APRIL 7, 2004**

**Cleveland Skate Park — North Coast Harbor**, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, 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 TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, APRIL 1, 2004 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1ST FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

**HFRS2 Emulsion & Purging Solution**, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 763-02, passed by the Council of the City of Cleveland, June 3, 2002.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 2, 2004 AT 10:00 A.M., DIVISION OF STREETS, ROOM 25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 24, 2004 and March 31, 2004

**THURSDAY, APRIL 8, 2004**

**Courtroom and Hallway Benches**, for the Department of Finance for the Cleveland Municipal Court, as authorized by Ohio Revised Code Section 1901.26(B)(1).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 2, 2004 AT 10:00 A.M., JUSTICE CENTER, BAILIFF DEPARTMENT CONFERENCE ROOM, 10TH FLOOR, 1200 ONTARIO STREET, CLEVELAND, OHIO 44114.

March 24, 2004 and March 31, 2004

**WEDNESDAY, APRIL 14, 2004**

**Automotive Paints & Supplies**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1973-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, APRIL 5, 2004 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Auto/Truck Frame Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1975-03, passed by the Council of the City of Cleveland, October 27, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, APRIL 5, 2004 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 24, 2004 and March 31, 2004

**WEDNESDAY, APRIL 21, 2004**

**Labor and Materials Necessary to Install and Maintain Fencing**, for various divisions of the Department of Port Control, as authorized by Ordinance No. 1807-03, passed by the Council of the City of Cleveland, November 10, 2003.



THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, APRIL 7, 2004 AT 11:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**Labor and Materials Necessary to Maintain, Repair and Modify Existing Airfield, Parking and Terminal Lighting Systems**, for various divisions of the Department of Port Control, as authorized by Ordinance No. 1015-03, passed by the Council of the City of Cleveland, June 10, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, APRIL 7, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 24, 2004 and March 31, 2004

**THURSDAY, APRIL 22, 2004**

**Labor and Materials Necessary to Maintain and Replace Exterior Site Landscaping**, for various divisions of the Department of Port Control, as authorized by Ordinance No. 2307-03, passed by the Council of the City of Cleveland, February 2, 2004.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, APRIL 7, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 24, 2004 and March 31, 2004

**WEDNESDAY, APRIL 28, 2004**

**Purchases of Air Filters**, for various divisions of the Department of Port Control, as authorized by Ordinance No. 2141-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, APRIL 13, 2004 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

**Labor and Materials Necessary for Painting and Paint Removal on Roadways, Runways and Other Paved Surfaces**, for various divisions of the Department of Port Control, as authorized by Ordinance No. 2030-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, APRIL 14, 2004 AT 2:00 P.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 24, 2004 and March 31, 2004

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 429-04.**  
**By Council Member Cimperman.**  
**An emergency resolution withdrawing objections to the renewal and transfer of ownership of a D5 and D6 Liquor Permit at 4114 John Avenue and repealing Resolution Nos. 1628-02 and 2256-03, objecting to said renewal and transfer.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 4114 John Avenue by Resolution No. 1628-02 adopted by the Council on August 14, 2002 and Resolution No. 2256-03 adopted by the Council on November 17, 2003; and

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

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

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

**Section 1.** That objections to a D5 and D6 Liquor Permit to LDJ Foods, Inc., 4114 John Avenue, Cleveland, Ohio 44113, Permanent Number 9122325 be and the same is hereby withdrawn and Resolution Nos. 1628-02 and 2256-03, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal and transfer thereof.

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

Adopted March 15, 2004.  
 Effective March 18, 2004.

**Res. No. 430-04.**  
**By Council Member Lewis.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit at 8023 Superior Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Henry J. Thomas, DBA Thomas Easy Food Store, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8883725 to 8023 Food Corp., DBA In & Out Food Deal, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2455588; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Henry J. Thomas, DBA Thomas Easy Food Store, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 8883725 to 8023 Food Corp., DBA In & Out Food Deal, 8023 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2455588; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 15, 2004.  
 Effective March 18, 2004.

**Res. No. 431-04.**  
**By Council Member Zone.**  
**An emergency resolution declaring Cleveland City Council's support of the proposal of Emerald Alliance, L.P. to provide affordable housing through the use of housing tax credits from the Ohio Housing Finance Agency.**

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

Whereas, Emerald Alliance, L.P., is proposing to develop up to fifty-six (56) housing units at the Northwest corner of West 79th Street and Madison Avenue, Cleveland, Ohio; and

Whereas, one hundred percent (100%) of these housing units will be affordable to individuals with

incomes at or below sixty percent (60%) of the area median income and no housing units will be market rate; and

Whereas, at least fifty percent (50%) of these housing units will serve a special needs population, consisting of single adults with disabilities who have been homeless; and

Whereas, support services will be made available, both on-site and off-site, to these individuals; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; 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 Emerald Alliance, L.P. to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from 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 Directors of Emerald Development & Economic Network, Inc., Famicos Foundation and Cleveland Housing Network, Inc.

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

Adopted March 15, 2004.  
Effective March 15, 2004.

**Res. No. 432-04.**

**By Council Member Pierce Scott.**  
**An emergency resolution declaring this Council's support of the proposal of Glenbrook Homes III, L.P. to the Ohio Housing Finance Agency for the use of low-income housing tax credits.**

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

Whereas, Glenbrook Homes III, L.P. is proposing to build up to 60 single family homes located on scattered sites in the Glenbrook Neighborhood in the City of Cleveland; and

Whereas, none of the project's total units will be market rate units; and

Whereas, 5% of the project's total units will be set aside to serve a special needs population of individuals who are affected by a severe and persistent mental illness; and

Whereas, Glenbrook Homes III, L.P.'s proposal will benefit the citizens of the City and will utilize housing tax credits; 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 proposal of Glenbrook Homes III, L.P. to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the project owner, c/o the NRP Group LLC, 5309 Transportation Blvd., Cleveland, Ohio 44125.

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

Adopted March 15, 2004.  
Effective March 15, 2004.

**Res. No. 434-04.**

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

**An emergency resolution acknowledging the job readiness training, job placement and job retention services provided by the Cleveland Works program and thanking the Cleveland Works staff for their dedication and service.**

Whereas, Cleveland Works is scheduled to close its doors forever on March 15, 2004; and

Whereas, since its inception in 1986, Cleveland Works has provided career and vocational development and life skills training and enabled thousands of individuals and families to rise from poverty; and

Whereas, in seventeen (17) years of service, Cleveland Works has provided job readiness training, job placement and job retention services to 16,759 individuals; and

Whereas, despite the current economic conditions, 211 Cleveland Works students were placed in full-time employment in 2003; and

Whereas, Cleveland Works provided important services and assistance to residents of the City of Cleveland; and

Whereas, the Cleveland Works program provided "one-stop" job training, job placement and comprehensive family services, free of charge, to individuals seeking permanent employment and a higher quality of life; and

Whereas, the Cleveland Works program has served over 2,400 offenders and ex-offenders with its pre-trial diversion and alternative sentencing project for individuals involved in the criminal justice system; and

Whereas, the Cleveland Works program provided valuable legal services including representation, counseling, and advocacy for individuals involved in the criminal justice system; and

Whereas, participants in the Cleveland Works program also had the opportunity to utilize childcare, obtain information on child development and family management issues, and preventative health care education; and

Whereas, Cleveland Works graduates have a unique opportunity to rise from poverty and survive in

today's work force because of the training they received; and

Whereas, Cleveland Works staff changed lives and saved lives; and

Whereas, Cleveland Works will cease its operations on March 15th; and

Whereas, it is appropriate to honor Cleveland Works staff for their dedication and service; 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 acknowledges the job readiness training, job placement and job retention services provided by the Cleveland Works program and thanks the Cleveland Works staff for their dedication and service.

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

Adopted March 15, 2004.  
Effective March 18, 2004.

**Ord. No. 1502-03.**

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

**An emergency ordinance authorizing the Director of Community Development to execute deeds of temporary easements granting to the Ohio Department of Transportation certain easement rights in properties located on the northwest and southwest corners of Holton Avenue and Woodhill Road.**

Whereas, the Ohio Department of Transportation ("ODOT") has requested the Director of Community Development to temporarily convey certain easement rights in properties located on the northwest and southwest corners of Holton Avenue and Woodhill Road; and

Whereas, ODOT requires the temporary easement rights in order to replace the bridge carrying Woodhill Road, Buckeye Road, and the Shaker Boulevard intersection over the Greater Cleveland Regional Transit Authority tracks; 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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that temporary easement interests in the following described properties are granted:

Exhibit 'A'  
PID 10787  
CUY-87-4.24  
PARCEL 16T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot 425, and being a part of lands conveyed to the City of Cleveland by deed recorded in Volume 96-11984, Page 34

of Cuyahoga County Records, further bounded and described as follows:

Being a parcel of land lying on the right side of the right of way of CUY-87-4.24 and the left side of the right of way of Woodhill Road as shown by the Ohio Department of Transportation plat recorded in Plat Book \_\_\_\_ Page \_\_\_\_ of the records of Cuyahoga County and being located within the following described points:

BEGINNING at an angle point in the centerline of Woodhill Road (80 feet wide), said point found as a drill hole in a stone set in a monument box in good condition at Woodhill Road Station 14+99.71 as shown in the plan of CUY-87-4.24;

Thence along said centerline of Woodhill Road, South 20 Degrees 57 Minutes 18 Seconds West a distance of 369.84 feet to a point, said point being at Station 11+29.87 as shown in the plan of CUY-87-4.24;

Thence North 69 Degrees 02 Minutes 42 Seconds West a distance of 40.00 feet to a point in the westerly sideline of said Woodhill Road, 40.00 feet left of Station 11+29.87 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described;

Thence South 20 Degrees 57 Minutes 18 Seconds West a distance of 16.50 feet to a point;

Thence North 69 Degrees 02 Minutes 42 Seconds West a distance of 3.00 feet to a point;

Thence North 20 Degrees 57 Minutes 18 Seconds East a distance of 15.33 feet to a point;

Thence North 89 Degrees 41 Minutes 18 Seconds East a distance of 3.22 feet to a point at 40.00 feet left of Station 11+29.87 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described, and containing an area of 0.001 acres more or less and subject to all legal highways.

The above described parcel is a part of Auditor's Parcel Number 126-37-010 carried on the tax map as 0.119 acres.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey Monuments OM 195, OM 187, OM 987, and OM 1122 and are used to denote angles only.

The stationing is as shown on the centerline plat of the right of way plans for CUY-87-4.24 recorded in plat Volume \_\_\_\_, Page \_\_\_\_ of the Cuyahoga County Records.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of State Route 87 made by Ralph C. Tyler Company for the State of Ohio in 2001 under the Supervision of Thomas M. Coffman, Registered Surveyor No. 6857.

Grantor claims title by instrument(s) of record in Volume 96-11984 - Page 34 in the Cuyahoga County Recorder's Office.

Exhibit 'A'  
PID 10787  
CUY-87-4.24  
PARCEL 18T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original 100 Acre Lot 425, and being a part of lands conveyed to the City of Cleveland by deed recorded in Volume 95-02209, Page 3

of Cuyahoga County Records, further bounded and described as follows:

Being a parcel of land lying on the right side of the right of way of CUY-87-4.24 and the left side of the right of way of Woodhill Road as shown by the Ohio Department of Transportation plat recorded in Plat Book \_\_\_\_ Page \_\_\_\_ of the records of Cuyahoga County and being located within the following described points:

BEGINNING at an angle point in the centerline of Woodhill Road (80 feet wide), said point found as a drill hole in a stone set in a monument box in good condition at Woodhill Road Station 14+99.71 as shown in the plan of CUY-87-4.24;

Thence along said centerline of Woodhill Road, South 20 Degrees 57 Minutes 18 Seconds West a distance of 275.57 feet to a point, said point being at Station 12+24.14 as shown in the plan of CUY-87-4.24;

Thence North 69 Degrees 02 Minutes 42 Seconds West a distance of 40.00 feet to a point in the westerly sideline of said Woodhill Road, 40.00 feet left of Station 12+24.14 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described;

Thence South 20 Degrees 57 Minutes 18 Seconds West a distance of 30.00 feet to a point;

Thence South 89 Degrees 41 Minutes 18 Seconds West a distance of 23.50 feet to a point;

Thence North 0 Degrees 18 Minutes 42 Seconds West a distance of 5.00 feet to a point;

Thence North 89 Degrees 41 Minutes 18 Seconds East a distance of 20.08 feet to a point;

Thence North 20 Degrees 57 Minutes 18 Seconds East a distance of 26.55 feet to a point;

Thence South 69 Degrees 27 Minutes 08 Seconds East a distance of 5.00 feet to a point at 40.00 feet left of Station 12+24.14 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described, and containing an area of 0.006 acres more or less and subject to all legal highways.

The above described parcel is a part of Auditor's Parcel Numbers 126-25-004 carried on the tax map as 0.212 acres.

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey Monuments OM 195, OM 187, OM 987, and OM 1122 and are used to denote angles only.

The stationing is as shown on the centerline plat of the right of way plans for CUY-87-4.24 recorded in plat Volume \_\_\_\_, Page \_\_\_\_ of the Cuyahoga County Records.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of State Route 87 made by Ralph C. Tyler Company for the State of Ohio in 2001 under the Supervision of Thomas M. Coffman, Registered Surveyor No. 6857.

Grantor claims title by instrument(s) of record in Volume 95-02209 - Page 3 in the Cuyahoga County Recorder's Office.

Exhibit 'A'  
PID 10787  
CUY-87-4.24  
PARCEL 19T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio,

and in Original 100 Acre Lot 425, and being lands conveyed to the City of Cleveland by deed recorded in Volume 98-08811, Page 44 of Cuyahoga County Records, further bounded and described as follows:

Being a parcel of land lying on the right side of the right of way of CUY-87-4.24 and the left side of the right of way of Woodhill Road as shown by the Ohio Department of Transportation plat recorded in Plat Book \_\_\_\_ Page \_\_\_\_ of the records of Cuyahoga County and being located within the following described points:

BEGINNING at an angle point in the centerline of Woodhill Road (80 feet wide), said point found as a drill hole in a stone set in a monument box in good condition at Woodhill Road Station 14+99.71 as shown in the plan of CUY-87-4.24;

Thence along said centerline of Woodhill Road, South 20 Degrees 57 Minutes 18 Seconds West a distance of 146.07 feet to a point, said point being at Station 13+53.64 as shown in the plan of CUY-87-4.24;

Thence North 69 Degrees 02 Minutes 42 Seconds West a distance of 40.00 feet to a point in the westerly sideline of said Woodhill Road, 40.00 feet left of Station 13+53.64 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described;

Thence South 20 Degrees 57 Minutes 18 Seconds West a distance of 129.50 feet to a point;

Thence North 69 Degrees 27 Minutes 08 Seconds West a distance of 5.00 feet to a point;

Thence North 20 Degrees 57 Minutes 18 Seconds East a distance of 129.49 feet to a point;

Thence South 69 Degrees 29 Minutes 54 Seconds East a distance of 5.00 feet to a point at 40.00 feet left of Station 13+53.64 as shown in the plan of CUY-87-4.24 and the TRUE PLACE OF BEGINNING of the parcel of land herein described, and containing an area of 0.015 acres (0.005 acres from 126-25-002 and 0.010 acres from 126-25-003) more or less and subject to all legal highways.

The above described parcel is part of Auditor's Parcel Numbers 126-25-002 and 126-25-003 and is carried on the tax map as 0.518 acres (0.329 acres from 126-25-002 and 0.189 acres from 126-25-003).

Bearings are calculated from State Plane Coordinates of Cuyahoga County Regional Geodetic Survey Monuments OM 195, OM 187, OM 987, and OM 1122 and are used to denote angles only.

The stationing is as shown on the centerline plat of the right of way plans for CUY-87-4.24 recorded in plat Volume \_\_\_\_, Page \_\_\_\_ of the Cuyahoga County Records.

This description was calculated by Thomas M. Coffman Registered Surveyor No. 6857 and is based on a survey of State Route 87 made by Ralph C. Tyler Company for the State of Ohio in 2001.

Grantor claims title by instrument(s) of record in Volume 98-08811 - Page 44 in the Cuyahoga County Recorder's Office.

**Section 2.** That at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above described temporary easement inter-

ests to ODOT subject to any conditions stated at a price of One Dollar (\$1.00).

**Section 3.** That the temporary easements shall be non-exclusive and the purpose of the easements are necessary in connection with the work ODOT will be performing while replacing the bridge carrying Woodhill Road, Buckeye Road, and the Shaker Boulevard intersection over the Greater Cleveland Regional Transit Authority tracks, known as Project CUY-87-4.424.

**Section 4.** That the duration of the easements shall be until the easements are no longer required by ODOT to perform the improvement described in this ordinance; that the easements shall not be assignable without the consent of the Director of Community Development; that the easements shall require ODOT to indemnify the City, provide reasonable insurance, maintain ODOT improvements located within the easements, and pay any applicable taxes and assessments.

**Section 5.** That the conveyances shall be made by official deeds of temporary easements prepared by the Director of Law and executed by the Director of Community Development on behalf of the City of Cleveland. The deeds of temporary easements shall contain any additional terms and conditions that are required to protect and benefit the City of Cleveland.

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

Passed March 15, 2004.

Effective March 18, 2004.

**Ord. No. 2234-03.**

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

**An emergency ordinance to change the name of Mall C to Strawbridge Plaza.**

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 name of Mall C is changed to Strawbridge Plaza.

**Section 2.** That the Director of Parks, Recreation and Properties is authorized to give effect to this ordinance by placing appropriate signs, nameplates, and plaques and altering references to Mall C to reflect the name change.

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

Passed March 15, 2004.

Effective March 18, 2004.

**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.

Passed March 15, 2004.

Effective March 18, 2004.

**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 Ord-

nances 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.

Passed March 15, 2004.

Effective March 18, 2004.

**Ord. No. 204-04.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property located at the perimeter of Jasper Playfield, for the Department of Parks, Recreation and Properties.**

Whereas, the Director of Parks, Recreation and Properties has requested the purchase of property which is located at the perimeter of Jasper Playfield; 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 autho-

rized to purchase the following described property for future redevelopment:

**P. P. No. 017-17-030**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 273, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**P. P. No. 017-17-031**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 274, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**P. P. No. 017-17-032**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 275, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

Also subject to zoning ordinances, if any.

**P. P. No. 017-17-033**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 276, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**P. P. No. 017-17-034**

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being all of Sublot No. 277, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**P. P. No. 017-17-035**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 278, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 5, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**P. P. No. 017-17-036**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 279, E.R. Cowin Land Company's Boulevard Hill Allotment of part of Original Brooklyn Township Lot No. 25, as shown by the recorded plat in Volume 54 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Excepting there from that part of the above-described premises conveyed to Consolidated Rail Corporation by deeded dated January 31, 1979, and recorded in Volume 14899, Page 785 of Cuyahoga County Records.

**Section 2.** That the Director of Parks, Recreation and Properties is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire 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 fair market value.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 20 SF 382.

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

Passed March 15, 2004.

Effective March 18, 2004.

**Ord. No. 329-04.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more temporary employment agencies, to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties for a period of one year.**

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 employ by contract or contracts one or more temporary employment agency or agencies 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 supply temporary and seasonal personnel for a period of one year, and cancelable on thirty days written notice by the Director, for the Department of Parks, Recreation and Properties from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

**Section 2.** That the costs for the services contemplated shall be paid from Fund Nos. 13 SF 728, 13 SF 729, 62 SF 001, 63 SF 001, 01-701207-638000, 01-701217-638000, and from the fund or funds appropriated for this purpose in budget year 2004, Request No. 135726.

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

Passed March 15, 2004.

Effective March 18, 2004.

**Ord. No. 330-04.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various pool chemicals, 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 Ordinance

nances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of various pool chemicals, 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 136752)

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

Passed March 15, 2004.  
Effective March 18, 2004.

**Ord. No. 332-04.**  
**By Council Members Polensek, Johnson and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with the Salvation Army for administering and facilitating recreational services in Ward 11, 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 enter into contract with the Salvation Army, Cleveland Temple Corps, 17625 Groveswood Avenue, Cleveland, Ohio, 44119, or its designee, to administer and facilitate recreational services in the Collinwood Community in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties, in the total sum of \$100,000, payable from Fund No. 01-700401-638000, Request No. 136753.

**Section 2.** That the contract shall be prepared by the Director of Law and shall contain provisions 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.

Passed March 15, 2004.  
Effective March 18, 2004.

**Ord. No. 428-04.**  
**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Walk for Hunger, on May 8, 2004, sponsored by the Hunger Network of Greater Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Walk for Hunger sponsored by the Hunger Network of Greater Cleveland, on May 8, 2004, beginning at Burke Lakefront Airport and progressing to Erieside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on East 9th to Huron, east on Huron to Euclid, west on Euclid back to East 9th, north on East 9th to Superior, west on Superior to Mall, cross through Mall to Lakeside, east on Lakeside to East 9th, north on East 9th to North Coast Harbor, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 15, 2004.  
Effective March 18, 2004.

**Ord. No. 433-04.**  
**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Lady Footlocker Women's Expo 5K Run & Walk, on March 20, 2004, sponsored by the Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Lady Footlocker Women's Expo 5K Run & Walk, on March 20, 2004, beginning at the

Convention Center-Lakeside to West 3rd, West 3rd to Lerner Way, around stadium to Erieside, Erieside to East 9th, turn around, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 15, 2004.  
Effective March 18, 2004.

## COUNCIL COMMITTEE MEETINGS

**Monday, March 22, 2004**  
**11:00 a.m.**

**Public Service Committee:** Present in Public Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady.  
**Authorized Absence:** Johnson.

**1:00 p.m.**

**Legislation Committee and Finance Committee:** Present in Legislation: White, Chair; Dolan, Gordon, Rybka, Westbrook. **Authorized Absence:** Pierce Scott, Johnson.

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

**1:30 p.m.**

**Employment, Affirmative Action and Training Committee and Finance Committee:** Present in Employment: Lewis, Chair; Cintron, Coats, Reed, Polensek. **Authorized Absence:** Conwell, Vice Chair; Johnson.

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

**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, March 23, 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.

**Thursday, March 25, 2004**  
**9:30 a.m.**

**Public Safety Committee: (CANCELLED).**

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O—Ordinance; R—Resolution; F—File  
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