

The City Record

Official Publication of the Council of the City of Cleveland



December the Eighth, Two Thousand and Four

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

City Clerk, Clerk of Council – 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, Chief Operating Officer
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Galen L. Schuerlein, Executive Assistant
_____, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

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

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

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

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

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

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

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

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

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – 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 – Paul A. Stubbs, Chief, 1645 Superior Avenue
Police – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities Director _____; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet 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 Baulknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 91

WEDNESDAY, DECEMBER 8, 2004

No. 4748

CITY COUNCIL

MONDAY, DECEMBER 6, 2004

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:

Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, December 6, 2004

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

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

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

Pursuant to Ordinance No. 2926-76, prayer was offered by Elder Howard Nock, of Rhema Fellowship Church, located at 23600 Emery Road. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 2335-04,

From the Department of Public Health — Letter requesting legislation to be passed Under Suspension on December 6, 2004. Received.

File No. 2336-04,

From the Division of Purchases and Supplies — Mayor's Emergency Requisitions/Purchase Orders — None for the month of November, 2004. Received.

File No. 2337-04,

From the Cleveland Public Library — Director's Report, November 18, 2004. Received.

File No. 2338-04,

From the Commissioner of Assessments and Licenses — Pay Telephone Application — Davel Communications, Inc., 200 Public Square — 7th Floor. Received.

File No. 2339-04,

From the Division of Water — 2003 Annual Report. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2340-04,

Re: New Application — 6548881 — 11831 Union Avenue Corporation, d.b.a. Dagwoods, 11831 Union Avenue. (Ward 3). Received.

File No. 2341-04,

Re: New Application — 6152859 — Moriarity's Pub LLC, d.b.a. Moriarity's Bar, 1912 E. 6th Street, first floor Mezzanine. (Ward 13). Received.

File No. 2342-04,

Re: Transfer of Ownership Application — 4528789 — Kaza Liquor, Inc., d.b.a. Sixth St. Market, 1313 West Sixth Street, first floor and basement, and 500 W. St. Clair Avenue, North Basement only. (Ward 13). Received.

File No. 2343-04,

Re: Transfer of Ownership Application — 3308834 — Betty Gradiski, d.b.a. Lil's Tavern, 3877 Lakeside Avenue, 1st floor & basement. (Ward 13). Received.

File No. 2344-04.
Re: Transfer of Ownership Application — 7974550 — Semaan Marketing, Inc., 3230 East 93rd Street. (Ward 5). Received.

File No. 2345-04.
Re: Transfer of Ownership Application — 611499 — Maria Theresa Owens, 13560 Lorain Avenue. (Ward 20). Received.

File No. 2346-04.
Re: Transfer of Ownership and Location Application — 2786257 — Flo Cafe, LLC, 1213 West 6th Street. (Ward 13). Received.

File No. 2347-04.
Re: Liquor Agency Contract Application — 4528789 — Kaza Liquor, Inc., d.b.a. Sixth St. Market, 1313 West 6th Street, 1st floor and basement and 500 W. St. Clair Avenue, north basement only. (Ward 13). Received.

RECORDING OF VOTE OF ABSENT MEMBER

File No. 2348-04.

December 3, 2004

Valerie J. McCall
Clerk of Council
City Hall, Room 216
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Clerk McCall:

In accordance with Rule 22 of the Rules of Council, I hereby request that my vote be recorded as a yeas on all ordinances and resolutions passed and adopted by Cleveland City Council on November 22, 2004.

Thank you.

Very truly yours,
Robert White
Council Member, Ward 2

Received.

RECORD OF VOTE

In accordance with the request of Council Member White and Rule 22 of the Rules of Council, the vote on the following ordinances and resolutions passed and adopted by Cleveland City Council on November 22, 2004 is changed as follows:

Ord. No. 2251-04.
Yeas 19. Nays 0.

Ord. No. 2257-04.
Yeas 19. Nays 0.

Res. No. 2258-04.
Yeas 19. Nays 0.

Res. No. 2259-04.
Yeas 19. Nays 0.

Res. No. 2260-04.
Yeas 19. Nays 0.

Res. No. 2261-04.
Yeas 19. Nays 0.

Res. No. 2262-04.
Yeas 19. Nays 0.

Ord. No. 1280-04.
Yeas 19. Nays 0.

Ord. No. 1492-04.
Yeas 19. Nays 0.

Ord. No. 1668-04.
Yeas 19. Nays 0.

Ord. No. 1848-04.
Yeas 19. Nays 0.

Ord. No. 2009-04.
Yeas 19. Nays 0.

Ord. No. 2013-04.
Yeas 19. Nays 0.

Ord. No. 2058-04.
Yeas 19. Nays 0.

Ord. No. 2124-04.
Yeas 19. Nays 0.

Ord. No. 2196-04.
Yeas 19. Nays 0.

Ord. No. 2209-04.
Yeas 19. Nays 0.

Res. No. 2126-04.
Yeas 19. Nays 0.

Ord. No. 1269-04.
Yeas 19. Nays 0.

CONDOLENCE RESOLUTIONS

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

Res. No. 2349-04 — Steven Cernan, Jr.

Res. No. 2350-04 — Peter V. Kilbane.

Res. No. 2351-04 — Sharlene Laisure.

Res. No. 2352-04 — Ray Gallucci, Sr.

Res. No. 2353-04 — Mattie Ree Horne.

Res. No. 2354-04 — Mary Lee Harris.

Res. No. 2355-04 — William Blackwell, Sr.

Res. No. 2356-04—Keith V. Rodgers.

CONGRATULATION RESOLUTIONS

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

Res. No. 2357-04—St. Timothy Missionary Baptist Church — 64th Anniversary.

Res. No. 2358-04 — Ivana Hirschegger.

Res. No. 2359-04—Megan O'Bryan.

Res. No. 2360-04—Mary Petric.

Res. No. 2361-04—State Representative Edward S. Jerse.

RECOGNITION RESOLUTIONS

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

Res. No. 2362-04 — Organization of Chinese Americans of Greater Cleveland.

Res. No. 2363-04 — Carl A. Robson, M.D.

Res. No. 2364-04 — Bessie House, Ph.D.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2280-04.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of the purchase or lease of Group I and II color photocopiers for the various divisions of City government, for a period not to exceed five years.

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

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

Section 1. That the Director of Finance is authorized to 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 five years of the necessary items of the purchase or lease of Group I and II color photocopiers, in the approximate amount as procured during the preceding term, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase or procurement, which purchase or procurement, together with all later purchases or procurements, 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 150991)

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

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

Referred to Directors of Finance Law; Committee on Finance.

**Ord. No. 2281-04.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Data Compression Technology, Inc. for the purchase and installation of STAX software for records retrieval, for the Division of Taxation, Department of Finance, for a period of one year with two one-year options to renew.

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 determines that the within commodities are non-competitive and cannot be secured from any source other than Data Compression Technology, Inc. Therefore the Director of Finance is authorized to make one or more written contracts with Data Compression Technology, Inc. on the basis of its proposal dated December 1, 2004, for the purchase and installation of STAX software for records retrieval, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Taxation, Department of Finance, for a period of one year with two one-year options to renew.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 81 SF 001, Request No. 126995.

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. 2282-04.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts without competitive bidding with Sybase, Inc. for the purchase of MITIS software support and maintenance, for the Division of Taxation, Department of Finance, for a period of one year with two one-year options to renew.

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 determines that the within commodities are non-competitive and cannot be secured from any source other than Sybase, Inc. Therefore the Director of Finance is authorized to make one or more written contracts with Sybase, Inc. on the basis of its proposal dated October 20, 2004, for the purchase of MITIS software support and maintenance, to be purchased by the Commissioner of Purchases and Supplies, for the Division of

Taxation, Department of Finance, for a period of one year with two one-year options to renew.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 81 SF 001, Request No. 126994.

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. 2283-04.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with W.A.R.N., LLC for professional services necessary to provide support, acquire, maintain, and update a residential and business database, training, unlimited voice and text calling alerts, language modules, set up or installation for various departments, application set up, call administration functions, and maintenance, for a period of one year, with four one-year options to renew.

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 enter into one or more contracts with W.A.R.N., LLC for professional services necessary to provide support, acquire, maintain and update a residential and business database, training, unlimited voice and text calling alerts, language modules, set up or installation for various departments, application set up, call administration functions, and maintenance for the City's Wide Area Rapid Notification System, on the basis of its proposal dated November 17, 2004, in the total sum of \$100,000, for a period of one year, with four one-year options to renew, for the Department of Finance. The contracts or contracts shall be paid from Fund No. 01-999800-638000, Request No. 141861.

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 Finance, Law; Committee on Finance.

**Ord. No. 2284-04.
By Council Member Jackson (by
departmental request).**

An emergency ordinance to amend the title and Section 1 of Ordinance No. 908-04, passed June 7, 2004, relating to the City's internet, intranet, and web services.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the title and Section 1 of Ordinance No. 908-04, passed June 7, 2004, are amended to read as follows:

An emergency ordinance authorizing the Director of Finance to employ one or more consultants for the City's internet, intranet, and web services, **including training and software maintenance, for a period of two years with three one-year options to renew.**

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the City's internet, provision of internet, intranet, and web hosting services, including related services necessary to host, manage, and support the City's website, to provide web hosting services, application design, development, implementation and support, software maintenance, web content editing services and webmaster, user training, and related web support services.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance. The contract or contracts shall be prepared by the Director of Law and shall be for a period of two years, with three one-year options to renew for an additional one-year period, and cancellable on thirty days written notice by the director. **That under Section 108(b) of the Charter, the purchase of services authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the consultants selected through that cooperative process.**

Section 2. That the title and Section 1 of Ordinance No. 908-04, passed June 7, 2004, are repealed.

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

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

Ord. No. 2285-04.**By Council Member Jackson (by departmental request).****An emergency ordinance to provide the transfer of Two Hundred Thousand Dollars (\$200,000) within various divisions of the General Fund.**

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

Section 1. That the sum of Two Hundred Thousand Dollars (\$200,000) be the same and hereby transferred as follows:

| | From | To |
|---------------------------|------------|------------|
| GENERAL FUND | | |
| NON-DEPARTMENTAL | | |
| County Auditor Deductions | | |
| II Other Expenses | \$ - | \$ 200,000 |
| Other Administrative | | |
| II Other Expenses | \$ 200,000 | \$ - |
| TOTAL NON-DEPARTMENTAL | \$ 200,000 | \$ 200,000 |
| TOTAL GENERAL FUND | \$ 200,000 | \$ 200,000 |

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 Finance, Law; Committee on Finance.

Ord. No. 2286-04.**By Council Member Jackson (by departmental request).****An emergency ordinance to make additional appropriations of Three Hundred Thousand Dollars (\$300,000) of the Enterprise Funds.**

Whereas, there remains an unappropriated balance in the various funds, the sum of Three Hundred Thousand Dollars (\$300,000) which is available for additional appropriation; 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 sum of Two Hundred Thousand Dollars (\$200,000) be the same and hereby transferred as follows:

| | |
|------------------|------------|
| ENTERPRISE FUNDS | \$ 300,000 |
| TOTAL ALL FUNDS | \$ 300,000 |

ENTERPRISE FUNDS

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

| | | |
|--|------------|------------|
| Division of Convention Center | | \$ 300,000 |
| I Personnel and Related Expenses | \$ 300,000 | |
| TOTAL DEPARTMENT OF PARKS, RECREATION AND PROPERTIES | \$ 300,000 | \$ 300,000 |
| TOTAL ENTERPRISE FUNDS | \$ 300,000 | \$ 300,000 |

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 Finance, Law; Committee on Finance.

Ord. No. 2287-04.

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

An emergency ordinance to amend Section 535.24 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 79-82, passed February 1, 1982, relating to charges for water from fire hydrants.

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 535.24 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 79-82, passed February 1, 1982, is amended to read as follows:

Section 535.24 Charges for Water from Fire Hydrants

(a) In addition to other charges, if water is used from a public fire hydrant, upon special permit only, a charge for the permit in the amount of **seventy-five dollars (\$75.00)** must be paid in advance. A separate permit shall be issued for each hydrant which shall identify its location. Each permit shall expire four weeks from the date of issuance.

(b) Water may be furnished from a fire hydrant for any special purpose authorized by the Commissioner of the Division of Water. The charge for water so furnished is the **rate charged to Direct Service customers in the Service District where the hydrant is located or twenty dollars (\$20.00) per 1,000 cubic feet, whichever is greater.** The quantity of water used may be estimated by the Commissioner based on information provided by the user as to the user's purpose and needs, or the Commissioner may require the installation of a meter at the connection to the hydrant to be used, in which event the user shall pay the cost of installing the meter and the cost of all water measured thereby.

(c) **A weekly meter rental fee must be paid as follows: for each meter issued, twenty dollars (\$20.00) for the first week; ten dollars (\$10.00) for each additional week.**

(d) **A refundable deposit charge of eight hundred fifteen dollars (\$815.00) per hydrant must be paid in advance to cover the replacement cost of the meter and valve assembly connected to the hydrant. Such deposit less charges for meter rental and water usage, or costs for damage to the meter or valve assembly, shall be refunded when the meter and valve assembly are returned to the Division of Water.**

Section 2. That Section 535.24 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 79-82, passed February 1, 1982, 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 Public Utilities, Finance, Law; Committees on Public Utilities, Legislation, Finance.

Ord. No. 2288-04.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide electrical engineering services for the Division of Cleveland Public Power for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide electrical engineering services, for the Division of Cleveland Public Power, including but not limited to performing defective pole remediation, system upgrades, and strategic system expansion, for a period of two years, on an as-needed basis.

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. 153266.

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

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

Ord. No. 2289-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair or replace various water, sewer, and gas lines, for the Division of Cleveland Public Power, Department of Public Utilities, for a two-year period.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153271)

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

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

Ord. No. 2290-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain T.V. inspection trucks, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year

period of the necessary items of labor and materials necessary to repair and maintain T.V. inspection trucks, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities 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 Utilities 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 150014)

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

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

Ord. No. 2291-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper products, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of paper products for use in the mailroom, including but not limited to copy paper, fax paper, envelopes, color paper, in the approximate amount as purchased during the preceding term, to be

purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities 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 Utilities 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 148799)

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

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

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

Ord. No. 2292-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed for water main and service connection repairs, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Cod-

ified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of labor and materials needed for water main and service connection repairs, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities 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 Utilities 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 148997)

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

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

Ord. No. 2293-04.

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning and cement mortar lining of various distribution water mains in the City of Cleveland, for the Division of Water, Department of Public Utilities, by

one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

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

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

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 001, 52 SF 229, and 52 SF 231, Request No. 148886.

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

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

Ord. No. 2294-04.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Baldwin Rapid Mix/Flocculation/Sedimentation Project; determining the method of making the public improvement of constructing and installing the improvements; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That the Director of Public Utilities is authorized to apply and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$33,000,000 to provide funding for the Baldwin Rapid Mix/Flocculation/Sedimentation Project (the "Improvement").

Section 2. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, which loan agreement shall be substantially in the same form as in

File No. 2294-04-A, and shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

Section 3. That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing and installing improvements for the Baldwin Rapid Mix/Flocculation/Sedimentation Project, including but not limited to, constructing new raw water piping, rapid mix vault, rapid mixers, flocculation basins, flocculators and venturi flow meters, constructing structural additions; rehabilitating sedimentation basins; constructing architectural and selective rehabilitation of gatehouses; constructing modifications and repairs to existing passageways; abating hazardous materials; decommissioning and selective demolition of a chemical building; installing electrical feeders; constructing substation and miscellaneous site work; and constructing HVAC, electrical, and plumbing improvements, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 6. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 7. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 229, and form the fund or subfunds which are credited the loan proceeds received as authorized by this ordinance, Request No. 148998.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 2295-04.

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

An emergency ordinance determining the method of making the public improvement of constructing and installing indoor and outdoor improvements to the Nottingham Water Works Facility; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing and installing indoor and outdoor improvements to the Nottingham Water Works Facility, including but not limited to, making architectural improvements; renovating the Administration Building to add new office and staff areas; constructing a new plant operator laboratory; renovating the existing chemistry lab; upgrading HVAC, electric, and plumbing; expanding the visitor's parking area; and renovating walkways to conform with ADA requirements, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

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

Section 4. That the cost of the improvement authorized shall be

paid from Fund No. 52 SF 229, Request No. 148996.

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

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

Ord. No. 2296-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to make pavement improvements on ramps, curbs, and aprons, for the Division of Cleveland Hopkins International Airport, 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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two-year period of the necessary items of labor and materials to make pavement improvements on ramps, curbs, and aprons, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. 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 Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

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 129202)

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. 2297-04.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to install and maintain restroom odor control drip system and restroom deodorizers at Cleveland Hopkins International Airport and the off-site car rental facility, for 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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two-year period of the necessary items of labor and materials needed to install and maintain restroom odor control drip system and restroom deodorizers at Cleveland Hopkins International Airport and the off-site car rental facility, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. 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 Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

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 pur-

chase, 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 129203)

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. 2298-04.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts without competitive bidding with KONE, Inc. for labor and materials necessary for maintenance of KONE elevators, escalators and moving walkways, for 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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than KONE, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts with KONE, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed one or two years for labor and materials necessary for maintenance of KONE elevators, escalators and moving walkways, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Port Control. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

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 150566)

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. 2299-04.

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

An emergency ordinance to amend the title and Section 2 of Ordinance No. 768-04, passed May 17, 2004; and to supplement the ordinance by adding new Section 1a, relating to the purchase of reclaimed or virgin asphalt concrete and to the extend Contract No. 61301 with Kenmore Construction.

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

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

Section 1. That the title and Section 2 of Ordinance No. 768-04, passed May 17, 2004, are amended to read as follows:

An emergency ordinance authorizing the purchase by one or more requirement contracts of reclaimed or virgin asphalt concrete, for the Division of Streets, Department of Public Service; and to extend Contract No. 61301 with Kenmore Construction.

Section 2. That the cost of the contract or contracts and the contract extension shall be charged against the proper appropriation account and the Director of finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 139504)

Section 2. That the title and Section 2 of Ordinance No. 768-04, passed May 17, 2004, are repealed.

Section 3. That Ordinance No. 768-04, passed May 17, 2004, is supplemented by adding new Section 1a to read as follows:

Section 1a. That the Director of Public Service is authorized to extend Contract No. 61301 with Kenmore Construction with the same terms and conditions, until such time as the City enters into a new contract for reclaimed or virgin asphalt concrete or December 3, 2005, whichever is earlier, to provide for additional reclaimed or virgin asphalt concrete.

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

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

Ord. No. 2300-04.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with Cuyahoga County for professional services necessary to perform bridge inspections.

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 enter into one or more contracts with Cuyahoga County for professional services necessary to perform bridge inspections on the basis of its proposal in the total sum of \$75,000, for the Department of Public Service. The contracts or contracts shall be paid from funds appropriated in 2005 for this purpose, Request No. 149360.

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 Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 2301-04.

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances necessary to provide a completed project; and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances necessary to provide a completed project, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make

one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Engineering and Construction, 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.

Section 3. That the costs of the contract or contracts shall be paid from Fund Nos. 10 SF 057, 10 SF 166, 10 SF 168, 11 SF 401, 13 SF 886, 14 SF 026, 14 SF 027, 14 SF 028, 14 SF 029, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 394, and shall also 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 149358)

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

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

Ord. No. 2302-04.

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to perform design engineering services to improve Jennings Road between Spring Road and the Jennings Freeway ramp.

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

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

Section 1. That the Director of Public Service is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the pur-

pose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform design engineering services to improve Jennings Road between Spring Road and the Jennings Freeway ramp.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Service from a list of qualified consultants available for employment

as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 20 SF 364,

20 SF 373, 20 SF 380, 20 SF 394, and 20 SF 500, Request No. 149359.

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. 2303-04.

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

An emergency ordinance to amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances, relating to food shop licenses and fees, food vehicle permit and categories and fees.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

Section 241.05, as amended by Ordinance No. 2393-02, passed February 3, 2003; and

Section 241.35, as enacted by Ordinance No. 2163-01, passed May 20, 2002,

are amended to read as follows:

Section 241.05 Food Shop Licenses and Fees; Food Vehicle Permit

(a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license issued by the Commissioner of Assessments and Licenses. No business vehicle used regularly for the transportation, delivery, vending or peddling of food except a commercial carrier transporting food incidental to other deliveries, shall transport, deliver, vend or peddle food in the City without the owner obtaining an annual food vehicle permit for the vehicle.

(b) Chapters 3715 and 3717 of the Revised Code pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority is adopted and incorporated by the City of Cleveland.

(c) For a food vehicle permit the annual fee shall be twenty-five dollars (\$25.00).

(d) Food vehicle permits shall expire not later than the last day of February of the next ensuing year after issuance, and they shall not be transferable except under Section 3717.46 of the Revised Code.

(e) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health, as described in Section 3717.44 of the Revised Code.

(f) For a mobile food service operation or mobile retail food establishment, the annual fee shall be two hundred sixty-three dollars and forty-four cents (\$263.44).

(g) For a vending food service operation, the annual fee shall be twenty-nine dollars and **sixty-five cents (\$29.65).**

(h) For a temporary **commercial** food service operation and temporary retail food establishments, the fee shall be **forty dollars (\$40.00)** per five-day event. **For a temporary non-commercial food service operation and temporary retail food establishments, the fee shall be twenty dollars (\$20.00) per five-day event.**

(i) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Commissioner of Environment.

(j) **Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Division of Environment:**

| <u>Plan Review Fee</u> | <u>Commercial</u> | <u>Non-Commercial</u> |
|---|-------------------|-----------------------|
| New Operations, less than 25,000 sq. feet | \$150.00 | \$ 75.00 |
| New Operations, greater than 25,000 sq. feet | \$300.00 | \$150.00 |
| Extensive Alteration, less than 25,000 sq. feet | \$ 75.00 | \$ 37.50 |
| Extensive Alteration, greater than 25,000 sq. feet | \$100.00 | \$ 50.00 |

(k) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the City of Cleveland Director of Public Health for approval or disapproval of the application.

(l) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under Sections 3717.25 and 3717.45 of the Revised Code.

(m) For purposes of this section, noncommercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in division (B)(12) of Section 5739.02 of the Revised Code, provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(n) For a food service operation, a penalty of twenty five percent (25%) of any license fee required by this section or fifty dollars (\$50.00), whichever is less must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

(o) For a retail food establishment, the penalty shall be set by Section 3717.23 of the Revised Code.

Section 241.35 Categories and Fees

(a) Each application to the Commissioner of Licenses and Assessments for a food service operation license required pursuant to Section 3717.43 of the Revised Code, or for a retail food establishment license required pursuant to Section 3717.23 of the Revised Code shall be accompanied by a combined license and inspection fee as follows:

(1) Food Service Operations and Retail Food Establishments less than 25,000 square feet of floor space:

| Operation Type | Fee |
|-----------------------|-----------------|
| Commercial 1 | \$153.00 |
| Commercial 2 | \$193.00 |
| Commercial 3 | \$435.00 |
| Commercial 4 | \$492.00 |

(2) Food Service Operations and Retail Food Establishments greater than 25,000 square feet of floor space:

| Operation Type | Fee |
|-----------------------|-------------------|
| Commercial 1 | \$239.00 |
| Commercial 2 | \$260.00 |
| Commercial 3 | \$973.00 |
| Commercial 4 | \$1,031.00 |

(3) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments less than 25,000 square feet of floor space:

| Operation Type | Fee |
|-----------------------|-----------------|
| Commercial 1 | \$76.50 |
| Commercial 2 | \$96.50 |
| Commercial 3 | \$217.00 |
| Commercial 4 | \$246.00 |

(4) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments greater than 25,000 square feet of floor space:

| Operation Type | Fee |
|-----------------------|-----------------|
| Commercial 1 | \$119.50 |
| Commercial 2 | \$142.00 |
| Commercial 3 | \$486.50 |
| Commercial 4 | \$515.50 |

(b) The risk level categories described herein shall have the meaning established in any rules promulgated pursuant to Chapters 3715 and 3717 of the Ohio Revised Code.

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

Section 241.05, as amended by Ordinance No. 2393-02, passed February 3, 2003; and

Section 241.35, as enacted by Ordinance No. 2163-01, passed May 20, 2002,

are repealed.

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

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

Ord. No. 2305-04.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services through Cuyahoga County Criminal Justice Services Agency for the Byrne Memorial Grant, Cleveland Crisis Intervention Team Training Program; and authorizing the purchase by one or more requirement contracts of equipment needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$27,676, from the Office of Criminal Justice Services through Cuyahoga County Criminal Justice Services Agency for the Byrne Memorial Grant, Cleveland Crisis Intervention Team Training Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2305-04-A, the obligation of the City of Cleveland to provide cash matching funds in the amount of \$9,226 from Fund Nos. 10 SF 025, 10 SF 207, and 10 SF 049, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of equipment necessary to implement the grant, 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 Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. 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.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. 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. 2306-04.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the Byrne Memorial Grant, 2005 Homeland Security Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$107,897, from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency to conduct the Byrne Memorial Grant, 2005 Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2306-04-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$35,966, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall

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

Section 4. That the costs of the purchases authorized by this ordinance shall be payable from Fund Nos. 10 SF 025 and 10 SF 049, shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 7. 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. 2307-04.
By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency for the 2005 Caribbean Gang Task Force Program; and to enter into contracts necessary to implement the program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$72,230, from the Ohio Office of Criminal Justice Services through the County Criminal Justice Services Agency to conduct the 2005 Caribbean Gang Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application

for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 2307-04-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide a cash match in the sum of \$24,077, payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of equipment and supplies needed to implement the program. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 4. That the costs of the purchases authorized by this ordinance shall be payable from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 5. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 2308-04.

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

An emergency ordinance authorizing the purchase by one or more contracts of not to exceed three hundred seventeen electronic parking meters, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to make one or more

written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed three hundred seventeen electronic parking meters, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Division of Parking Facilities, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 142473.

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. 2309-04.

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

An emergency ordinance approving certain modifications and amendments to the Erieview I (Ohio R-36) Urban Renewal Plan with respect to extending its western boundary.

Whereas, under Ordinance No. 2428-60, passed December 12, 1960, this Council approved the Erieview I (Ohio R-36) Urban Renewal Plan for the Erieview I Urban Renewal Project (the "Plan") and has from time to time approved modifications and amendments to the Plan; and

Whereas, the Directors of Community Development and the City Planning Commission wish to extend the westerly boundary of the Plan to include the Lincoln Building located on the southeast corner of St. Clair Avenue and East 6th Street and the Rockwell Building located on the northeast corner of Rockwell Avenue and East 6th Street; and

Whereas, this extended boundary of the Plan will support the redevelopment efforts of the Rockwell Building, may inspire additional renovations on the block, and eliminate blight and prevent its recurrence along East 6th Street from St. Clair Avenue to Rockwell Avenue; and

Whereas, the City Planning Commission has approved the proposed redevelopment; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that the prompt redevelopment of the extended boundary area will provide for the elimination of blight, creation of jobs and housing, and the enhancement of the economic condition of the City and its residents; now, therefore,

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

Section 1. That the Erieview I Urban Renewal Plan for the Erieview I Urban Renewal Project is amended to permit the redevelopment and to extend the western boundary as indicated on the map placed in File No. 2309-04-A, and more fully described as follows:

**Erieview Urban Renewal Project
No. Ohio R-36**

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

Beginning at the intersection of the center line of East 9th Street and the center line of Lakeside Avenue, N.E.; thence southwesterly along said center line of Lakeside Ave., N.E. to its intersection with the center line of East 6th Street; thence southeasterly along said center line of East 6th Street to its intersection with the center line of Rockwell Ave., N.E.; thence northeasterly along the center line of said Rockwell Ave., N.E. to its intersection with the northwesterly prolongation of the southwesterly line of Sublot No. 27 in the aforesaid John A. Rockwell et al. Subdivision; thence southeasterly along and northwesterly prolongation of said southwesterly line of Sublot No. 27 and along the southwesterly line of Sublots Nos. 27 and 28 in said Subdivision and the southeasterly prolongation of said southwesterly line of Sublot No. 28, to its intersection with the center line of Superior Ave., N.E.; thence northeasterly along said center line of Superior Ave., N.E. to its intersection with the center line of East 9th Street; thence southeasterly along said center line of East 9th Street to its intersection with the center line of Chester Ave., N.E.; thence northeasterly along said center line of Chester Ave., N.E. to its intersection with the northwesterly prolongation of the southwesterly line of Sublot No. 53 in the J.M. Woolsey's Allotment, as recorded in Volume N of Deeds, Page 486 of Cuyahoga County Records; thence southeasterly along said northwesterly prolongation of said southwesterly line of Sublot No. 53 and along the southwesterly line of said Sublot No. 53 and its southeasterly prolongation thereof, to its intersection with the center line of Hickory Court, N.E.; thence northeasterly along said center line of Hickory Court, N.E. to its intersection with the center line of East 12th Street; thence southerly along said center line of East 12th Street to a point distant 300 feet northerly by rectangular measurement, from the northerly line of Euclid Ave.; thence easterly along a line parallel with and distant 300 feet northerly by rectangular measurement from said northerly line of Euclid Ave. to its intersection with the center line of East 13th Street; thence northerly along said center line of East 13th Street to its intersection with the westerly prolongation of the southerly line of land conveyed to the Cleveland Trust Company by deed recorded in Volume 7823, Page 448 of Cuyahoga County Records; thence easterly along said westerly prolongation of land so conveyed to the Cleveland Trust Company and along said southerly line to the southeasterly corner thereof; thence northerly along the easterly line of land so conveyed to the Cleveland Trust Company, as aforesaid, and the northerly prolongation thereof, to its intersection with the center line of Chester Ave., N.E.; thence easterly along said center line of Chester

Ave., N.E. to its intersection with the southerly prolongation of the easterly line of land conveyed to the Hanna Parking Company by deed recorded in Volume 8890, Page 429 of Cuyahoga County Records; thence northerly along said southerly prolongation and along said easterly line of land so conveyed to the Hanna Parking Company, to an angle point therein; thence westerly along said land conveyed to the Hanna Parking Company, as aforesaid, about 13.58 feet to an easterly line of land so conveyed to the Hanna Parking Company; thence northerly along said easterly line of land conveyed to the Hanna Parking Company, as aforesaid, and the prolongation northerly, to its intersection with the center line of Walnut Ave., N.E.; thence westerly along said center line of Walnut Ave., N.E. to its intersection with the southeasterly prolongation of the southwesterly line of land conveyed to Brinks Incorporated, by deed recorded in Volume 5876, Page 174 of Cuyahoga County Records; thence northwesterly along said southeasterly Prolongation, and along the said southwesterly line of land so conveyed to Brinks Incorporated as aforesaid and its prolongation, northwesterly, to its intersection with the center line of Superior Ave., N.E.; thence southwesterly along said center line of Superior Ave., N.E. to its intersection with the center line of East 12th Street; thence northwesterly along said center line of East 12th Street, to its intersection with the southwesterly prolongation of the southeasterly line of Sublot No. 12 in the Nathan Perry Subdivision, as recorded in Volume 35 of Deeds, Page 111 of Cuyahoga County Records; thence northeasterly along said southwesterly prolongation and along the southeasterly line of said Sublot No. 12 to the most easterly corner thereof; thence northwesterly along the northeasterly line of Sublots Nos. 12 and 11 in said subdivision to the southeasterly line of St. Clair Ave., N.E.; thence northeasterly along the southeasterly line of said St. Clair Ave., N.E. to the most northerly corner of Sublot No. 10 in said subdivision; thence northwesterly in a direct line to a point in the northwesterly line of St. Clair Ave., N.E. distant 16.7 feet northeasterly along said northwesterly line of St. Clair Ave., N.E. from the most easterly corner of Sublot No. 84 in the Levi Johnson's Subdivision as recorded in Volume 1 of Maps, Page 29 of Cuyahoga County Records; thence northwesterly along a line parallel with the distant 16.7 feet northeasterly from the northeasterly line of said Sublot No. 84 to a point in the southeasterly line of Canfield Court, N.E.; thence northwesterly in a direct line to a point in the northwesterly line of said Canfield Court, N.E. distant 26 feet northeasterly along said northwesterly line of Canfield Court, N.E. from the most southerly corner of Sublot No. 66 in the Levi Johnson's Subdivision; thence northwesterly along a line parallel with and distant 26 feet northeasterly from the southwesterly line of said Sublot No. 66 and its prolongation northwesterly to its intersection with the center line of Hamilton Ave., N.E.; thence northeasterly along said cen-

ter line of Hamilton Ave., N.E. to its intersection with the center line of East 14th Street; thence northwesterly along said center line of East 14th Street to its intersection with the center line of Lakeside Ave., N.E.; thence northeasterly along said center line of Lakeside Ave., N.E. to its intersection with the southeasterly prolongation of a line distant 25 feet northeasterly and parallel with the southwesterly line of Sublot No. 49 in the H. H. Dodge's Subdivision, as recorded in Volume V of Deeds, Page 217, of Cuyahoga County Records, thence northwesterly along said line and its prolongation northwesterly to its intersection with the northwesterly line of Davenport Avenue, N.E.; thence southwesterly along the northwesterly line of said Davenport Avenue N.E. to a point distant 34.5 feet northeasterly by rectangular measurement from the northeasterly line of East 14th Street, as now vacated by Ordinance No. 2736-53, passed by Council of the City of Cleveland, February 8, 1954; thence northwesterly along a line parallel with and distant 34.5 feet northeasterly by rectangular measurement from said East 14th Street (now vacated) to its intersection with the southeasterly line of the Cleveland Memorial Shoreway N.E.; thence southwesterly along said southeasterly line of the Cleveland Memorial Shoreway, N.E. to its intersection with the center line of East 9th Street; thence southeasterly along said center line of East 9th Street to the center line of Lakeside Avenue, N.E. and the place of beginning.

Section 2. That this Council adopts the findings of the original Erieview I Urban Renewal Plan for the Erieview I Urban Renewal Project, under Ordinance No. 2428-60, passed December 12, 1960, as amended by Ordinance No. 2967-85, passed December 16, 1985.

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

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

Ord. No. 2310-04.
By Council Members Conwell, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract amendment with Triangle Properties Limited Partnership I, ("Developer") to accept a discounted prepayment of the note given by Developers to secure a UDAG loan given to assist with development of the Triangle Building at the intersection of Euclid Avenue and Mayfield Road.

Whereas, pursuant to Ordinance Nos. 2475-86, passed November 10, 1986, Council authorized the Director of Economic Development to accept

an Urban Development Action Grant ("UDAG") from the United States Department of Housing and Urban Development ("HUD") and to enter into a contract with the Developer, or its designee, to assist development of the Triangle Building at the intersection of Euclid Avenue and Mayfield Road (the "Contract"); and

Whereas, Developer has requested to prepay the zero-percent interest note given to secure a \$2,240,700 loan ("Note") at its net present value determined by discounting by 12% balloon principal payment due April 1, 2006; and

Whereas, the receipt of said prepayment would allow the Department of Economic Development to secure additional financial assistance funds for reinvestment in various Economic Development projects throughout the City's neighborhoods; and

Whereas, this ordinance constitutes an emergency measure that the same provides for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland; now, therefore

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

Section 1. That the Director of Economic Development is authorized to accept on behalf of the City, a discounted prepayment of the Note given by Developer in accordance with the Contract; the prepayment shall be paid to the City no later than April 1, 2006, in an amount equal to the net present value of the Note at the time of payment using a discount rate equal to 12%; the prepayment shall be in full satisfaction of the Note, due as a balloon payment of \$2,240,700 on June 1, 2006.

Section 2. That the Director of Economic Development is authorized to amend the Contract, and to file all papers and execute all documents necessary to receive the prepayment.

Section 3. That the Note and Contract amendments authorized by this ordinance shall be prepared by the Director of Law and shall contain such terms and conditions as shall be deemed necessary or appropriate to protect the interests of the City.

Section 4. That the Director of Economic Development is hereby authorized to release any and all collateral taken to secure repayment of the Note, and to execute all documents necessary to release the collateral. Any documents releasing the collateral shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to deposit the prepayment into Fund No. 17 SF 006.

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

Ord. No. 2311-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a venue for film, television, and commercial productions.

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 the Greater Cleveland Media Development Corporation to administer a program for marketing the City of Cleveland as a venue for film, television, and commercial production.

Section 2. That the costs of the grant shall not exceed One Hundred Thousand Dollars (\$100,000.00) and shall be paid from Fund No. 17 SF 652, Request No. 103635.

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents that 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. 2312-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a loan and a grant agreement with Realty One Real Living to provide economic development assistance to partially finance the costs of relocating its headquarters to downtown Cleveland, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a loan with Realty One Real Living to provide economic development assistance to partially finance the costs of relocating its headquarters to downtown Cleveland, and all other associated costs necessary to redevelop the property.

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with Realty One Real Living to receive grant funds to partially finance the above-described project.

Section 3. That the terms of the loan and grant shall be under the terms contained in File No. 2312-04-A.

Section 4. That the costs of the contract shall not exceed a loan amount of \$250,000 and a grant amount of \$250,000. The loan and grant shall be paid from Fund Nos. 17 SF 652 and 10 SF 541, Request No. 103636.

Section 5. That the Director of Economic Development is authorized to accept collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 541.

Section 7. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law and shall contain any additional terms and conditions that the Director of Law and the Director of Economic Development deem necessary and appropriate to protect and benefit the public interest.

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

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

Ord. No. 2313-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Cleveland Neighborhood Development Coalition to provide economic development assistance to partially finance the administration of the Cleveland Industrial Retention Initiative.

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 Cleveland Neighborhood Development Coalition to provide economic development assistance to partially finance the administration of the Cleveland Industrial Retention Initiative.

Section 2. That the costs of the grant shall not exceed \$398,000 and, any other ordinance to the contrary notwithstanding, shall be paid from Fund No. 10 SF 501, Request No. 103634.

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. 2314-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with West 9th Properties LLC to provide for a ten-year, sixty percent tax abatement for certain real property improvements as an incentive to construct a parking garage at 1240 West 9th Street in the Cleveland Area Enterprise Zone.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics in Section 5709.61(A) of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, West 9th Properties LLC (the "Enterprise") has proposed to construct a parking garage at 1240 West 9th Street in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City it would be at a competitive disadvantage operating at this location if taxes on certain real property improvements were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleve-

land, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for certain real property improvements as an incentive to construct a parking garage at 1240 West 9th Street; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 2314-04-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law and shall contain any additional terms and conditions that the Director of Law and the Director of Economic Development deem necessary and appropriate to protect and benefit the public interest.

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. 2315-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Sterling Telecom Office Building, LLC to provide economic development assistance to partially finance interior office construction, soft costs, personal property acquisition,

and other improvement costs associated with interior renovation improvements to the property located at 1255 Euclid Avenue, and all other associated costs necessary to redevelop the property.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a contract with Sterling Telecom Office Building, LLC to provide economic development assistance to partially finance interior office construction, soft costs, personal property acquisition, and other improvement costs associated with interior renovation improvements to the property located at 1255 Euclid Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 2315-04-A.

Section 3. That the loan amount shall not exceed Three Hundred Twenty-Five Thousand Dollars (\$325,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103637.

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

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

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law and shall contain any additional terms and conditions that the Director of Law and the Director of Economic Development deem necessary and appropriate to protect and benefit the public interest.

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

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

Ord. No. 2316-04.

By Council Member Jackson (by departmental request).

An emergency ordinance appropriating funds credited to Fund Nos. 17 SF 006, 17 SF 033, 10 SF 502, 10 SF 553, and 10 SF 554 to pay charges on bonded indebtedness for economic and community development purposes.

Whereas, to create and preserve jobs and employment opportunities and to improve housing for individuals and families, the City determined in Ordinance No. 1306-04, passed August 11, 2004, to issue revenue bonds to provide for industrial, commercial, distribution and research facilities and residential housing, including providing money to make loans to others for such purposes; and

Whereas, on November 10, 2004, the City issued \$19,280,000 Taxable Economic and Community Development Revenue Bonds, Series 2004 (Core City Fund bonds) for the purposes set forth in Ordinance No. 1306-04; and

Whereas, Section 7 of Ordinance No. 1306-04 states that the Core City Fund bonds shall be payable solely from Net Project Revenues and Non-tax Revenues; and

Whereas, Net Project Revenues and any interest on Net Project Revenues will be placed into Core City II E.D. Repayment Fund No. 10 SF 553, and Core City II C.D. Repayments, Fund No. 10 SF 554 and will be available to pay charges on bonded indebtedness of the Core City Fund bonds, and UDAG Repayments contained in Fund No. 17 SF 006, UDAG Commingled Interest contained in Fund No. 17 SF 033, and NDIF Repayments contained in Fund No. 10 SF 502 constitute Non-tax Revenues and are available to pay charges on bonded indebtedness on the Core City Fund bonds;

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 funds credited to Fund No. 10 SF 553 and 10 SF 554 are appropriated to provide funds for the payment of debt charges on the Core City Fund bonds and, to the extent not needed to pay such debt charges, are appropriated for other economic development programs.

Section 2. That notwithstanding any ordinance to the contrary, the funds credited to Fund Nos. 10 SF 502, 17 SF 007, and 17 SF 033 are appropriated to provide funds for the payment of debt service charges on the Core City Fund bonds and, to the extent not needed to pay such debt charges, are appropriated for other economic development programs.

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. 2317-04.
By Council Members White and Jackson (by departmental request).
An emergency ordinance to amend Sections 665.03, 665.04, and 665.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to fair housing.

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

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

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 665.03, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

Section 665.04, as amended by Ordinance No. 1081-01, passed June 19, 2001, and

Section 665.05, as amended by Ordinance No. 162-A-2000, passed December 4, 2000, is amended to read as follows:

Section 665.03 Unlawful Discriminatory Housing Practices

It shall be an unlawful discriminatory housing practice for any person to:

(a) refuse to sell, transfer, assign, rent, lease, sublease, finance, or negotiate after the making of a bona fide offer, or otherwise deny or make unavailable, because of membership in a protected class, a property to any person;

(b) represent to any person, because of membership in a protected class, that a property is not available for sale, rental, inspection, purchase, transfer, assignment, lease or sublease when, in fact, it is available;

(c) discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, if such person's business includes engaging in residential real estate-related transactions, because of race, color, religion, sex, sexual orientation, national origin, age, disability, ethnic group, Vietnam-era or disabled veteran status, familial status, marital status or ancestry. As used in this section, the term "residential real estate-related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

A. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or

B. secured by residential real estate.

(2) The selling, brokering or appraising of real property; and

(3) for the purposes of this section, a person is engaging in residential real estate-related transactions if:

A. he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

B. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

C. he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families; or

D. he has, within the preceding twelve months, participated as principal in three or more transactions involving the making or purchasing of loans or providing other financial assistance or appraising of real property.

(d) discriminate against any person in the terms or conditions of selling, renting, transferring, assigning, brokering, leasing or subleasing any property, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any property because of membership in a protected class or because of the racial composition or presence of any other protected groups in the area in which the dwelling is located;

(e) discriminate against any person in the provision of property and casualty, including but not limited to, fire, extended coverage, renter's or homeowner's insurance ("insurance") or insurance related services because of membership in a protected class of a current or prospective purchaser, renter, or occupant, or of other residents in the area or community, by any one or more of the following practices:

(1) making insurance or insurance related services unavailable or making them available on different terms or conditions;

(2) refusing to sell or renew or by canceling insurance or an insurance policy;

(3) varying the terms or conditions under which an insurance policy or insurance related services is available;

(4) establishing different qualifications, requirements or standards for making insurance or insurance related services available;

(5) offering different services, facilities or privileges in the provision of insurance or insurance related services;

(6) discouraging potential applicants from applying for insurance, including not but limited to utilizing different sales and marketing practices;

(7) evaluating, settling, or paying insurance claims;

(f) refuse to consider the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;

(g) print, publish or circulate, or cause to be printed, published or circulated, any statement or advertisement, or make or cause to be made any written or oral statement, relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any property or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a property, which indicates any preference, limitation, specification or discrimination based upon protected group membership, or an intention to make any such preference, limitation, specification or discrimination;

(h) include in any sale, transfer, rental, lease or sublease of a property any restrictive covenant based on protected group membership, or honor or exercise, or attempt to honor or exercise any such restrictive covenant;

(i) induce or solicit or attempt to induce or solicit including, but not limited to a property listing, sale, rental or transaction by representing that a change has occurred or may occur with respect to the protected class or classes of the area in which the property is located, or induce or solicit or attempt to induce or solicit such listing, sale, or transaction by representing that the actual or anticipated presence of persons of any protected class in the area will or may have results such as:

(1) the lowering of property values;

(2) a change in the composition of the area in which the property is located based upon a protected class or classes;

(3) an increase in criminal or anti-social behavior in the area;

(4) a decline in the quality of the schools serving the area.

(j) coerce, injure, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this section;

(k) discriminate against any person because of protected group status in appraising the value of any property in connection with the sale, brokering or rental or because of the composition of the area based upon protected class or classes;

(l) deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' association or other service association or facility relating to the business of selling or renting housing accommodations or commercial property, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of membership in a protected class;

(m) refuse to permit, at the expense of a disabled person, reasonable modifications to existing premises occupied or to be occupied by such person, if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, a landlord may — where it is reasonable to do so — condition his or her consent to a modification on a renter's agreement, which can include the establishment of an escrow account, to restore the interior of the premises to the condition that existed prior to the modification, reasonable wear and tear excepted;

(n) refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling including associated public and common use areas;

(o) construct covered multi-family dwellings that do not provide for accessibility and usability for physically disabled persons in compliance with 42 USC #3604(f)(3)(C);

(p) discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this section, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing

under Sections 4112.01 to 4112.07 of the Revised Code;

(q) aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or obstruct or prevent any person from complying with Sections 4112.01 to 4112.11 of the Revised Code, 42 USC #3601 et seq., or any order issued pursuant thereto, or attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

Section 665.04 Exemptions

The provisions of this chapter shall not be construed to:

(a) prohibit a religious or denominational institution, organization, society or association of any non-profit charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin, nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members;

(b) require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a disabled person, which are necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the disabled person, which permission may be reasonably based on the disabled person's promise, pursuant to division (m) of Section 665.03, to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any disabled person of any obligation generally imposed on all persons, regardless of disability, in a written lease, rental agreement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the disability, or on the landlord's refusal to make reasonable modifications in the lease, agreement or contract conditions for the purpose of denying a disabled person equal opportunity to the use and enjoyment of the premises. (ORC 4112.12(K), (N));

(c) prohibit the restriction of a sale or rental of a property on the basis of disability when such a property is authorized, approved, financed or subsidized, in whole or in part, for the benefit of disabled persons by a unit of the local, state or federal government, so long as such restrictions do not discriminate against an otherwise qualified disabled person;

(d) require that a property be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others;

(e) prohibit the application of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a property;

(f) with regard to familial status, apply to properties provided under any federal program provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive, or to housing for older persons;

(g) prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than membership in a protected class.

Section 665.05 Fair Housing Board; Powers; Duties; Responsibilities

(a) There is hereby established a Fair Housing Board which shall consist of five members: one (1) appointed by the Mayor; one (1) appointed by the Council; and three (3) citizen members nominated by the Mayor and confirmed by Council. The member appointed by the Mayor and the member appointed by Council each shall be appointed for a term of three (3) years. Of the citizen members first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years; thereafter appointments shall be for three (3) years.

(b) The Fair Housing Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of any section. The Fair Housing Board shall have and may exercise the following powers to implement the purposes of this chapter:

(1) to hold adjudicative hearings, make findings of fact, issue orders, enforce such orders and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(2) to subpoena witnesses, compel their attendance, administer oaths, take sworn testimony and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Fair Housing Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(3) to adopt such rules and regulations as the Fair Housing Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter;

(4) to do such other acts as are necessary and proper to perform those duties with which the Fair Housing Board is charged under this chapter, including the provision of referral services for the community;

(5) to collect, analyze and study the results of investigations made under this chapter and report to the Mayor and City Council on or before January 31 of each calendar year on the working of this chapter for the purpose of advising on and recom-

mending amendments to this chapter;

(6) to conduct a continuing program of education and community organization throughout the City;

(7) to initiate an investigation without the filing of an official complaint, provided a majority of the Fair Housing Board elects to proceed based upon reasonable cause to believe that violations of this chapter are occurring or have occurred. The Fair Housing Board shall have the same powers following this initiated investigation as it has with an investigation based on the filing of a complaint;

(8) to enter into cooperative agreements with other governmental agencies to effectuate the purposes of this chapter;

(9) to refer persons allegedly aggrieved by unlawful discriminatory housing practices to the Ohio Civil Rights Commission or other governmental or private agencies, as appropriate;

(10) if the Fair Housing Board has reasonable cause to believe that any person or persons are engaged in unlawful discriminatory housing practices as described in Section 665.03, the Fair Housing Board may refer the matter to the Director of Law for commencement of a civil action in a court of competent jurisdiction on behalf of the City. The Director of Law may seek any relief considered necessary to ensure the full enjoyment of the rights granted by this chapter.

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

Section 665.03, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

Section 665.04, as amended by Ordinance No. 1081-01, passed June 19, 2001, and

Section 665.05, as amended by Ordinance No. 162-A-2000, passed December 4, 2000,

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 Community Relations Board, Law; Committees on Legislation, Finance.

Ord. No. 2320-04.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept grants from the George Gund Foundation and the Cleveland Foundation for the Sustainability Program; and authorizing the Mayor, or any director or directors authorized by her to employ one or more professional consultants to develop and implement the Sustainability Program.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept grants in the total aggregate amount of \$226,000, from the George Gund Foundation and the Cleveland Foundation to develop and implement the Sustainability Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the City Council Presentation Package for the grant contained in the file described below.

Section 2. That the City Council Presentation Package for the grant, File No. 2320-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Mayor, or any director or directors authorized by her, 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 develop and implement the Sustainability Program as described in the file.

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

Section 4. That the cost of contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, and from funds in the amount of \$250,000 properly appropriated and designated by the Director of Finance for this purpose.

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

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

Ord. No. 2322-04.

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

An emergency ordinance to amend the title of Ordinance No. 929-04, passed June 7, 2004, relating to a grant from the Alcohol & Drug Addiction Services Board of Cuyahoga County for the Mental Health & Substance Abuse Prevention Program; to supplement the ordinance by adding new Sections 6 and 7; and to renumber existing Sections 6 and 7 to new Sections 8 and 9.

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

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

Section 1. That the title of Ordinance No. 929-04, passed June 7, 2004, is amended to read as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol & Drug Addiction Services Board of Cuyahoga County for the Mental Health & Substance Abuse Prevention Program; to enter into one or more contracts with various agencies; **to enter into one or more requirement contracts to implement the grant; and to enter into an agreement with the Board for the City to receive payments from the Medicaid program.**

Section 2. That the title of Ordinance No. 929-04, passed June 7, 2004, is repealed.

Section 3. That Ordinance No. 929-04, passed June 7, 2004, is supplemented by adding new Sections 6 and 7 to read as follows:

Section 6. That the Director of Public Health is authorized to enter into an agreement with the Alcohol & Drug Addiction Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 7. That the Director of Public Health shall deposit the cash gifts and the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 4. That existing Sections 6 and 7 of Ordinance No. 929-04, passed June 7, 2004, are renumbered to new "Section 8" and "Section 9".

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

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

Ord. No. 2323-04.

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 employee assistance program for a fifteen-month period, with one option to renew for an additional 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 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 administer the City's employee

assistance program for a fifteen-month period beginning January 1, 2005, with one option to renew for an additional one year period.

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

Section 2. That the cost of contract or contracts authorized shall be paid from funds appropriated for this purpose in budget year 2005, Request No. 107558.

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. 2324-04.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 414-04, passed March 22, 2004, relating to professional consultants necessary to administer the City's COBRA program and HIPAA compliance.

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

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

Section 1. That the title and Section 1 of Ordinance No. 414-04, passed March 22, 2004, are amended to read as follows:

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, **with one option to renew for an additional fifteen months.**

Section 1. That the Director of Personnel and Human Resources 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 administer the City's COBRA program and HIPAA compliance for a one year period, **with one option to renew for an additional fifteen months.**

The selection of the consultants for the services shall be made by

the Board of Control on the nomination of the Director of Personnel and Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Personnel and Human Resources 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 Personnel and Human Resources, and certified by the Director of Finance.

Section 2. That the title and Section 1 of Ordinance No. 414-04, passed March 22, 2004, are repealed.

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

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

Ord. No. 2325-04.

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 consultants or one or more firms of consultants to provide professional services for pre-employment background and criminal checks for the Department of Personnel and Human Resources for a fifteen-month period, with one option to renew for an additional 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 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 administer pre-employment background and criminal records checks; and including but not limited to automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks for the Department of Personnel and Human Resources for a fifteen-month period beginning January 1, 2005, with one option to renew for an additional one year period.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Personnel and Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Personnel and

Human Resources 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 Personnel and Human Resources, and certified by the Director of Finance.

Section 2. That the costs for the services shall be paid from the fund or funds appropriated for this purpose in budget year 2005, Request No. 107548.

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. 2326-04.

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 provide workers' compensation and actuarial services for a fifteen-month period, with one option to renew for an additional 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 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 for a comprehensive workers compensation program, including but not limited to, actuarial and auditing services, disability and account management, preparing reports, scheduling and payment of medical exams, claims settlement, handicap reimbursement, investigations, and filing claims appeals and other duties for a fifteen-month period beginning January 1, 2005, with one option to renew for an additional one year period.

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

Section 2. That the cost of contract or contracts authorized shall be paid from funds appropriated for this purpose in budget year 2005, Request No. 107559.

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. 2328-04.

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

An emergency ordinance authorizing the Mayor to execute a Modification of Deed Restriction for City-owned property located in a portion of Rockefeller Park; and authorizing the Commissioner of Purchases and Supplies to transfer City-owned property no longer needed for public use located in a portion of Rockefeller Park to Glenville Development Corporation to construct Parkside Homes.

Whereas, the City of Cleveland currently holds title, subject to certain deed restrictions, to various parcels of land, now known as Rockefeller Park; and

Whereas, The Cleveland Foundation ("TCF") now holds the reversionary interest in the Rockefeller Park property should the deed restrictions be violated; and

Whereas, one of the deed restrictions requires that the Rockefeller Park property be used exclusively for park purposes and other uses directly related thereto and for no other purpose; and

Whereas, according to the deed restrictions on the Rockefeller Park property, if the Rockefeller Park property is used for any purpose other than park purposes or purposes related to the park, Rockefeller Park will revert back to TCF; and

Whereas, the City of Cleveland wishes to convey a portion of Rockefeller Park to Glenville Development Corporation for the construction of Parkside Homes; and

Whereas, to prevent the Rockefeller Park property from reverting back to TCF due to a violation of the deed restriction, the City must secure the approval of TCF, as representatives of the grantors, to consent to the proposed modification to the deed; and

Whereas, TCF, as representatives of the grantors, has agreed to modify the deed restriction to allow the construction of Parkside Homes; 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 Mayor is authorized to execute a Modification of Deed Restriction of the following portion of City-owned property known as Rockefeller Park to remove the restriction that the property be used exclusively for park purposes and

other uses directly related thereto and for no other purpose:

**Legal Description of:
ROCKEFELLER PARK**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being all of Sublots 2, 3, 4 and 5 in the C.C. Baldwin's Allotment as recorded in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being further bounded and described as follows:

Beginning at the intersection of the northerly line of Superior Avenue (80 feet wide) with the easterly line of East 101st Street (40 feet wide);

Course 1 — thence along the easterly line of East 101st Street, North 06°-54'-48" West, a distance of 160.01 feet to the southwesterly corner of Sublot 6 in said C.C. Baldwin's Allotment;

Course 2 — thence along the southerly line of said Sublot 6, North 83°-05'-12" East, a distance of 148.27 feet to the easterly line of said C.C. Baldwin's Allotment;

Course 3 — thence along the easterly line of said C.C. Baldwin's Allotment, South 14°-11'-12" East, a distance of 40.33 feet to the northeasterly corner of Sublot 1 in said C.C. Baldwin's Allotment;

Course 4 — thence along the northerly line of said Sublot 1, South 83°-05'-12" West, a distance of 24.60 feet to the northwesterly corner of said Sublot 1;

Course 5 — thence along the westerly line of said Sublot 1, South 06°-54'-08" East, a distance of 120.03 feet to the northerly line of Superior Avenue;

Course 6 — thence along the northerly line of Superior Avenue, South 83°-05'-52" West, a distance of 128.75 feet to the place of beginning and containing 0.4933 acre of land according to a survey by Matthew C. Neff, Ohio Professional Surveyor #7315, of the M Neff Design Group dated May 20, 2002, be the same more or less but subject to all legal highways.

NOTE: Bearings shown hereon are to an assumed meridian and are used to denote angles only.

Section 2. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property described in Section 1 of this ordinance is no longer needed for public use.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Glenville Development Corporation (the "Redeveloper") at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 4. That the proceeds from the sale of the above described property shall be placed into Fund No. 20 SF 471 and will be used to improve the remaining portion of Rockefeller Park, and are appropriated for this purpose.

Section 5. That the conveyance shall be made by official deed prepared by the Director of Law and

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

Section 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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 2330-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Clear CORPS USA for the Lead Paint Outreach Program; authorizing the director to accept cash gifts from ICI Paints and Sherwin Williams; and authorizing the director to enter into one or more contracts with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$124,800, and any other funds that may become available during the grant term from Clear CORPS USA to conduct the Lead Paint Outreach Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant File No. 2330-04-A, ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Health is authorized to accept a cash gift in the approximate amount of \$75,000 from ICI Paints, and a cash gift in the approximate amount of \$75,000 from Sherwin Williams for the purpose of implementing the program. The director is authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance and, on acceptance of the funds, they shall be appropriated for the purposes described in the file.

Section 4. That the Director of Public Health is authorized to enter into one or more agreements with various entities to implement the program as described in the file.

Section 5. That the Director of Public Health shall deposit the cash gifts and the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That the Director of Public Health shall have the authority to extend the term of the grants during the grant terms.

Section 7. 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, Finance.

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

Ord. No. 2304-04.

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

An emergency ordinance to amend Section 7 of Ordinance No. 1501-04, passed August 11, 2004, relating to a grant for the Cities Readiness Initiative Program; and to supplement the ordinance by adding new Sections 7a.

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 7 of Ordinance No. 1501-04, passed August 11, 2004, is amended to read as follows:

Section 7. That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program as described in the file with one or more entities.

Section 2. That Section 7 of Ordinance No. 1501-04, passed August 11, 2004, is repealed.

Section 3. That Ordinance No. 1501-04, passed August 11, 2004, is supplemented by adding new Section 7a. to read as follows:

Section 7a. That the Director of Public Health is authorized to enter into one or more contracts with The Brasco Group to provide administrative services and oversee logistics of the **program and consulting services for the development of a plan to respond to a bio-emergency and to provide training and other city-readiness consulting related services.**

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

Ord. No. 2318-04.**By Council Member Sweeney.**

An emergency ordinance authorizing the Director of the City Planning Commission to enter into a grant agreement with the Bellaire-Puritas Development Corporation for conducting a planning study in order to carry out the public purpose of promoting development in the Bellaire-Puritas neighborhood through the use of Ward 20 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the City Planning Commission to enter into a grant agreement with the Bellaire-Puritas Development Corporation for conducting a planning study in order to carry out the public purpose of promoting development in the Bellaire-Puritas neighborhood through the use of Ward 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$3,000 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 2319-04.**By Council Members Britt and Jackson (by departmental request).**

An emergency ordinance to amend the title, Section 4 and Section 5 of Ordinance No. 2251-04, passed November 22, 2004, relating to grants for the Flu Vaccine Program.

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

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

Section 1. That the title, Section 4 and Section 5 of Ordinance No. 2251-04, passed November 22, 2004, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the Sisters of Charity and St. Luke's Foundations for the Sisters of Charity Flu Vaccine Program and the St. Luke's Flu Vaccine Program; and authorizing the purchase from a vendor or vendors of FDA-approved flu vaccines to implement the program.

Section 4. That this Council determines that the within commodities are non-competitive and cannot be

secured from any source other than a vendor or vendors who have access to FDA-approved flu vaccines. These vendors are identified on short notice and their supplies are limited. Therefore, the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for FDA-approved flu vaccines to be purchased by the Commissioner of Purchases and Supplies, on a unit basis for the Department of Public Health.

Section 5. That the cost of the contract or contracts authorized shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance, and shall not exceed the total amount of grant proceeds accepted under this ordinance during the grant term.

Section 2. That the existing title, Section 4 and Section 5 of Ordinance No. 2251-04, passed November 22, 2004, are repealed.

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

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

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

Ord. No. 2327-04.**By Council Member Coats.**

An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with Euclid-St. Clair Development Corporation for the Collinwood Sports Campus Feasibility Study through the use of Ward 10 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the City Planning Commission is authorized to enter into an agreement with Euclid-St. Clair Development Corporation for the Collinwood Sports Campus Feasibility Study for the public purpose of doing a feasibility study for the development of a new sports recreational facility for City of Cleveland residents through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$75,000 and shall be paid from Fund No. 10 SF 166.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**Res. No. 2329-04.****By Council Member Reed.**

An emergency resolution supporting the Murtis H. Taylor Multi-Service Center's Brownfield Redevelopment Fund Community Assessment Initiative grant application to Cuyahoga County.

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

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

Section 1. That this Council supports the Murtis H. Taylor Multi-Service Center's Brownfield Redevelopment Fund Community Assessment Initiative grant application to Cuyahoga County which will assist in a Phase I environmental assessment update and a Phase II environmental assessment of 13415 Union Avenue. These efforts will determine the level and cost of remediation in order for Murtis H. Taylor Multi-Service Center to expand their operations to the community.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Board of Cuyahoga County Commissioners.

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

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

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

Res. No. 2331-04.**By Council Members Zone, Gordon, Brady, Britt, Cimperman, Coats, Lewis, O'Malley, Pierce Scott, Polensek, Rybka, Westbrook and Cintron.**

An emergency resolution urging Governor Taft and the Ohio State Legislature to provide full funding for the Clean Ohio Fund in the 2005 Capital Budget.

Whereas, in November of 2000, Ohio voters approved State Issue 1, the Clean Ohio Fund, allowing the State of Ohio to grant funds to local communities, through the sale of state bonds, for local environmental projects; and

Whereas, the campaign for State Issue 1 and the enabling legislation promised a \$400 million program to

preserve green space and farmland, improve outdoor recreation, and revitalize blighted neighborhoods by cleaning up and redeveloping polluted properties; and

Whereas, Governor Taft is planning to ask for \$100 million for the Clean Ohio Fund in the next two year capital budget; and

Whereas, this amount is half the amount approved by voters in 2000; and

Whereas, Clean Ohio projects have generated jobs in communities across the state; and

Whereas, this job creation has created a positive economic impact at the local level; and

Whereas, Clean Ohio projects have generated positive civic involvement in the communities where projects have been funded; and

Whereas, continuous and full funding will ensure that the benefits promised to Ohio voters in 2000 continue; and

Whereas, it is imperative that Governor Taft and the State Legislature honor the promises and commitments made to Ohio voters when approving State Issue 1; 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 urges Ohio Governor Bob Taft and the Ohio State Legislature to provide full funding for the Clean Ohio Fund in the 2005 Capital Budget.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft, those members of the State of Ohio Legislature representing residents of the City of Cleveland, and the Director of the Ohio Municipal League.

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

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

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

Res. No. 2332-04.

By Council Member Cimperman.
An emergency resolution withdrawing objection to a New C2 Liquor Permit at 1672 Center Street and repealing Resolution No. 1576-04, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 1672 Center Street by Resolution No. 1576-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a New C2 Liquor Permit to John W. Hickey, DBA CB Take Out, 1672 Center Street, Cleveland, Ohio 44113, Permanent Number 38219180005, be and the same is hereby withdrawn and Resolution No. 1576-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 2333-04.

By Council Member Cimperman.
An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 4150-02 Lorain Avenue and repealing Resolution No. 1575-04, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 4150-02 Lorain Avenue by Resolution No. 1575-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Comargo, Inc., DBA B & G Tavern, 4150-02 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1200374-0005 be and the same is hereby withdrawn and Resolution No. 1575-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 2334-04.

By Council Member Reed.
An emergency resolution objecting to a New C1 Liquor Permit at 11831 Union Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 11831 Union Avenue Corporation, DBA Dagwoods, 11831 Union Avenue, Cleveland, Ohio 44105, Permanent Number 6548881; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 11831 Union Avenue Corporation, DBA Dagwoods, 11831 Union Avenue, Cleveland, Ohio 44105, Permanent Number 6548881; 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 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1138-02.

By Councilman Cimperman
An emergency ordinance to amend Section 359.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2204-A-48, passed December 19, 1949, relating to abandonment of nonconforming use.

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

1. In the title, line 6, strike "abandonment" and insert "discontinuance".

2. In Section 1, at amended Section 359.02, line 1, strike "Abandonment" and insert "Discontinuance"; at division (a), line 2, strike "abandoned" and insert "discontinued".

3. In Section 1, at amended Section 359.02(b), line 1, strike "abandoned" and insert "discontinued"; in (b)(1), line 2, strike "apparent" and insert "express".

4. In Section 1, at amended Section 359.02, strike division (b)(2) in its entirety and insert:

"(2) When the use is voluntarily discontinued for six months or more, the intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishings; or

(3) The cessation of business operations for two years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two years, the presence of characteristic equipment and furnishings is not relevant."

5. In Section 1, at amended Section 359.02(b), renumber existing subdivision (3) and (4) to new "(4)" and "(5)".

Amendments agreed to.

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

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

Ord. No. 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.

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

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

Ord. No. 1283-04.

By Council Member Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 82nd Street to James Justice.

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

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

Ord. No. 1465-04.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement with SYSCO Food Services of Cleveland, Inc. to reimburse SYSCO for its installation of a water main within an easement located on SYSCO's property.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

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

Ord. No. 1510-04.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Dawud Ali.

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

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

Ord. No. 1511-04.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 43rd and 46th Streets to Burten, Bell, Carr Development, Inc.

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

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

Ord. No. 1514-04.

By Council Member Pierce Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to St. Clair-Superior Neighborhood Development Association or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law;

Relieved of Committee on Community and Economic Development; Passage recommended by Committee on Finance.

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

Ord. No. 1770-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Lease Agreement No. 62490 with the Northeast Ohio Neighborhood Health Services to extend the term of the lease for an additional ten months to operate the Cleveland Career Center located at 1468 East 55th Street.

Approved by Directors of Economic Development, Finance, Law; Relieved of Committee on Community and Economic Development; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 1852-04.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to the Lease Agreement with The Rockwell Company to extend the term of the lease for an additional year to operate the Downtown One-Stop Employment Connection Center located at 1701 East 13th Street.

Approved by Directors of Economic Development, Finance, Law; Relieved of Committee on Community and Economic Development; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 1855-04.

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

An emergency ordinance authorizing the Director of City Planning to apply for and accept a grant from the Cleveland Foundation for the Connecting Cleveland 2020 Citywide Plan Program; and authorizing the Director to enter into one or more contracts with Dennis Dooley for professional services necessary to implement the grant.

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

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

Ord. No. 2015-04.

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. Strike Section 3 in its entirety.
2. Renumber existing Sections 4 and 5 to new "Section 3" and "Section 4".

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

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

Ord. No. 2016-04.

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

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

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

Ord. No. 2062-04.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kingsbury Boulevard to Anthony Scott.

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

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

Ord. No. 2064-04.

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

An emergency ordinance authorizing the Director of Economic Development to consent to the assignment of UDAG Contract No. 42832 from The Lakeview and Superior Development Group Limited Partnership to Lakeview Square I, Ltd. and Lakeview Square II, Ltd.; and authorizing the director to enter into an Amendment to the assigned UDAG Contract regarding certain terms.

Approved by Directors of Economic Development, Finance, Law; Relieved of Committee on Community and Economic Development; Passage recommended by Committee on Finance; when amended as follows:

1. Renumber the second Section 2, to new "Section 3".
2. Strike existing Section 3 in its entirety and insert the following:

"Section 4. That the summary for the grant, File No. 2064-04-A, as presented to the Finance Committee of this Council at the public hearing on this legislation, made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority."

3. Renumber existing Section 4 to new "Section 5".

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

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

Ord. No. 2122-04.

By Council Member Gordon.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 44th Street to Cleveland Housing Network, Inc.

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

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

Ord. No. 2205-04.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to PLV Associates, L.P., or its designated successors or assigns, for future development of the Park Lane Villa Apartments project; authorizing the Director of Community Development to enter into a Project Agreement with PLV for the sale and development of the property; and authorizing the director to enter into one or more contracts with PLV to provide economic development assistance to partially finance the construction of Park Lane Villa Apartments located at 10510 Park Lane, and all other associated costs necessary to redevelop the property.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development and City Planning; Passage recommended by Committee on Finance; when amended as follows:

1. In Section 6, at the end, strike the period and insert "as presented to the Finance Committee of this Council at the public hearing on this legislation, and shall not be

changed without additional legislative authority."

2. Strike Section 11 in its entirety and renumber existing Section 12 to new "Section 11".

Amendments agreed to.

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

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

Ord. No. 2206-04.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio's Clean Ohio Assistance Fund, for a Clean Ohio Assistance Grant to conduct the remediation and demolition of the former Steel Slitting property located at 7011 Aetna Road to be used for future development; and authorizing the director to enter into one or more contracts with Zaremba Cleveland Communities, Inc., FBE, Inc., a subsidiary of Third Federal Savings and Loan Association of Cleveland, and/or Slavic Village Development, or their designee, to implement the project.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development and City Planning; Passage recommended by Committee on Finance; when amended as follows:

1. In Section 1, line 1, after "grant," insert "as presented to the Finance Committee of this Council at the public hearing on this legislation," and in line 2, at the end, strike the period and insert "and shall not be changed without additional legislative authority."
2. Strike Section 4 in its entirety and renumber existing Sections 5 and 6 to new "Section 4" and "Section 5".

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

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

LAID ON THE TABLE

Ord. No. 306-99.

By Mayor White.
An emergency ordinance to amend various sections of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to fees, permits and licenses; and to repeal Section 533.09 of the codified ordinances, as amended by Ordinance No. 99566, passed May 22, 1933, relating to customers to protect meters, liability.

Ord. No. 1412-99.

By Mayor White.
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 510.01 to 510.17 and

510.99 thereof, relating to Right-of-Way Permits.

Ord. No. 1211-2000.

By Council Member Patmon.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 190.01 and 190.02 thereof, relating to local business enterprise code.

Ord. No. 1406-2000.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Parkworks to allow and accept the construction of a playground at Morgan Playground, located immediately adjacent to the Daniel E. Morgan Elementary School, as a gift to the City.

Ord. No. 1726-2000.

By Council Members Cintron, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to assess and collect rent for the use of space at the West Side Market.

Ord. No. 1805-2000.

By Council Member Cimperman.

An emergency ordinance to amend Section 457.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1552-A-90, passed June 17, 1991 relating to employees of parking facilities.

Ord. No. 74-01.

By Mayor White.

An emergency ordinance to establish the Residential Neighborhood Revolving Sidewalk Repair Fund for the improvement and repair of sidewalks in the City's residential neighborhoods.

Ord. No. 283-01.

By Mayor White.

An emergency ordinance to amend Section 173.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1759-A-76, passed January 31, 1977, relating to compensation for the Boxing and Wrestling Commission.

Ord. No. 1516-04.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 154th Street to Collinwood Development Corporation.

Without objection, Ordinance No. 306-99, Ordinance No. 1412-99, Ordinance No. 1211-2000, Ordinance No. 1406-2000, Ordinance No. 1726-2000, Ordinance No. 1805-2000, Ordinance No. 74-01, Ordinance No. 283-01, and Ordinance No. 1516-04, were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 306-99, Ordinance No. 1412-99, Ordinance No. 1211-2000, Ordinance No. 1406-2000, Ordinance No. 1726-2000, Ordinance

No. 1805-2000, Ordinance No. 74-01, Ordinance No. 283-01, and Ordinance No. 1516-04, Laid on the table.

MOTION

By Council Member Zone, seconded by Council Member Sweeney and unanimously carried that the absence of Council Members Patricia J. Britt, Michael A. Dolan, and Sabra Pierce Scott be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:13 p.m. to meet on Monday, December 13, 2004 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

December 1, 2004

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 1, 2004, at 10:42 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Absent: Director Ricchiuto.

Others: Mike Abuserhal, Acting Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

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

Resolution No. 671-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Company for an estimated quantity of 12 and 2.4 kV transformers, Group E (item nos. 111 thru 119), Group F (item nos. 120 thru 130), Group G (item nos. 153 thru 155), Group H (item nos. 156 thru 169), Group J (item nos. 186 thru 199), Group K (item nos. 200 thru 213) and Group M (item nos. 250 thru 254), for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date

of execution of a contract, received on August 12, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to Seven Hundred Sixty Six Thousand Eight Hundred Sixteen and no/100 Dollars (\$766,816.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153274

which shall be certified against the contract in the sum of Thirty Nine Thousand and no/100 Dollars (\$39,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Ricchiuto.

Resolution No. 672-04.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Wesco Distribution Inc. for an estimated quantity of 12 and 2.4 kV transformers, Group B (item nos. 31 thru 48), Group C (item nos. 49 thru 80), Group D (item nos. 81 thru 104), Group G (item nos. 132 thru 152), Group L (item nos. 240 thru 247) and Group Q (item nos. 274 thru 276), for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on August 12, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to One Million Three Hundred Twenty One Thousand One Hundred, Thirty Three and no/100 Dollars (\$1,321,133.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153275

which shall be certified against the contract in the sum of Sixty Seven Thousand and no/100 Dollars (\$67,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Direc-

tor Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Ricchiuto.

Resolution No. 673-04.

By Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Electric Laboratories and Sales a Hughes Supply Co. for an estimated quantity of 12 and 2.4 kV transformers, Group L (item nos. 248 and 249), Group N, (item nos. 255 thru 264), and Group P (item nos. 269 thru 273), except for such terms and conditions as are unacceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on August 12, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to One Million Four Hundred Six Thousand Two Hundred Twenty Six and no/100 Dollars (\$1,406,226.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153273 which shall be certified against the contract in the sum of Seventy One Thousand and no/100 Dollars (\$71,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 674-04.

By Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland that the bid of ERMCO for an estimated quantity of 12 and 2.4 kV transformers, Group A (item nos. 1 thru 30), Group I (item nos. 170 thru 185) and Group L (item nos. 214 thru 239), for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on August 12, 2004, under the authority of Ordinance No. 1630-92, passed September 21, 1992 on the basis of the estimated quantity would amount to Eight Hundred Thirteen Thousand Two Hundred Twenty Nine and no/100 Dollars (\$813,229.00) (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the commodities, which shall provide for the immediate pur-

chase as the initial amount of the contract of the following:

Requisition No. 153272 which shall be certified, against the contract in the sum of Forty One Thousand and no/100 Dollars (\$41,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 675-04.

By Director Ciaccia.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 12, 2004, for an estimated quantity of 12 and 2.4 kV transformers item nos. 105 thru 110, 131 and 265 thru 268, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 676-04.

By Director Ciaccia.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perk Company, Inc. for the public improvement of construction and installation of replacement sewers and repair and rehabilitation of existing sewers at various locations, including base bid items plus 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on October 14, 2004, under the authority of Section 129.292 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to Five Hundred Sixteen Thousand Six Hundred Seventy and 00/100 Dollars (\$516,670.00), is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is requested to enter into a requirement contract for the improvement, which contract shall provide for the initial performance of the following work:

Requisition No. 150013 which shall be certified against such contract in the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00).

The requirement contract shall further provide that the contractor

will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Perk Co., Inc. for the contract authorized is approved:

| <u>SUBCONTRACTOR</u> | <u>WORK</u> |
|------------------------|----------------------|
| McTech Corporation | |
| MBE | \$79,551.00 (15.40%) |
| Cuyahoga Supply & Tool | |
| FBE | \$5,566.80 (1.08%) |
| Cuyahoga Supply & Tool | |
| | \$22,267.20 (4.31%) |

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 677-04.

By Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of The Wagner-Smith Company for the public improvement of Backup Power Project (including a \$2,253,114.00 contingency allowance), (bid items 1-14, 17 and Main Plant Peak Shaving Permitting), for the Division of Water, Department of Public Utilities, beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on October 7, 2004, pursuant to the authority of Ordinance No. 691-04, passed July 14, 2004, which on the basis for the improvement in the aggregate amount of Twenty Four Million Seven Hundred Eighty Four Thousand Two Hundred Fifty Four Dollars (\$24,784,254.00), is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by The Wagner-Smith Company for the above-mentioned public improvement is approved:

| <u>SUBCONTRACTOR</u> | <u>PERCENTAGE</u> | <u>WORK</u> |
|-----------------------------|-------------------|----------------|
| Ruccella Construction Inc. | | |
| (MBE) | 5.04% | \$1,250,000.00 |
| DDC + (MBE) | 7.26% | \$1,800,000.00 |
| Minority Electric Co., Inc. | | |
| (MBE) | 6.05% | \$1,500,000.00 |
| Minority Electric Co., Inc. | | |
| (FBE) | 6.05% | \$1,500,000.00 |

| | | |
|-----------------------------------|-------|----------------|
| GPD Group | 4.70% | \$1,165,000.00 |
| Industrial Construction Co., Inc. | 7.26% | \$1,800,000.00 |
| Frebco | 2.46% | \$ 610,000.00 |

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 678-04.

By Director Ciaccia.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company Inc. for the public improvement of Euclid Avenue water main replacement phase II and III (including a \$793,082.30 contingency allowance), (all items), for the Divisions of Water and Water Pollution Control, Department of Public Utilities, received on September 29, 2004, under the authority of Ordinance No. 2451-02, passed April 14, 2003, as amended by Ordinance No. 2307-03, passed November 24, 2003, upon a unit basis for the improvement in the aggregate amount of Eight Million Seven Hundred Twenty-Three Thousand Nine Hundred Five Dollars and 30 Cents (\$8,723,905.30), is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company Inc. for the above-mentioned public improvement is approved:

| <u>SUBCONTRACTOR</u> | <u>PERCENTAGE</u> | <u>WORK</u> |
|---|-------------------|----------------|
| Rockport Construction & Materials, Inc. (FBE) | 5.00% | \$ 436,200.00 |
| Granger Trucking Inc. (MBE) | 2.91% | \$ 254,200.00 |
| The Vallejo Co., Inc. (MBE) | 12.09% | \$1,054,400.00 |
| CORPRO Companies | .16% | \$ 14,000.00 |

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 679-04.

By Director Mok.
Be it resolved by the Board of Control of the City of Cleveland that all bids for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "A-04-1", for the Division of Cleveland Hopkins International Airport, Department of Port Control, received

on June 30, 2004, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-2000, passed on June 12, 2000, respectively, be and the same are rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Ricchiuto.

Resolution No. 679-04-A.

By Director Mok.
Be it resolved by Board of Control of the City of Cleveland that all bids for the, public, improvement of Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "A-04-2", for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on June 30, 2004, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-2000, passed on June 12, 2000, respectively, be and the same are rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Ricchiuto.

Resolution No. 680-04.

By Director Mok.
Resolved, by the Board of Control of the City of Cleveland that the bid of Inland Waters of Ohio, Inc. for labor and materials necessary to clean and maintain oil/water separators, sewers, electrical vaults, holding tanks, lift stations and associated appurtenances, including testing and disposal of waste materials, for various divisions of the Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on the 16th day of June, 2004, pursuant to the authority of Ordinance No. 1218-03, passed on September 22, 2003, which on the basis of the estimated quantity would amount to Seven Hundred Sixty-Four Thousand Seven Hundred Forty-Two and 00/100 Dollars (\$764,742.00), is hereby affirmed and approved as the lowest and best bidder; and the Director of Port Control 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. 150532 which shall be certified against such contract in the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00).

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.

Be it further resolved that the employment of the following subcontractors by Inland Water of Ohio,

Inc., for the oil/waters separators requirement contract, is approved:

| <u>Subcontractor(s)</u> | <u>MBE/FBE %</u> | <u>Dollar Amount</u> |
|--|------------------|----------------------|
| Lee Infrastructure Restoration, Inc. | 1.24 MBE % | \$ 9,500.00 |
| Environmental Control Laboratories, Inc. | 4.34 MBE % | \$33,166.00 |
| Eden Environmental, Inc. | 1.88 FBE % | \$14,400.00 |
| Samsel Supply Company, Inc. | .15 FBE % | \$ 1,120.00 |

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 681-04.

By Director Ronayne.
Whereas, by Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and Whereas, the City of Cleveland will sponsor The Multicultural Extravaganza to be held on December 14, 2004; and

Whereas, The Multicultural Extravaganza is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that notwithstanding and as an exception to the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at the Cleveland Convention Center for the Multicultural Extravaganza, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to The Multicultural Extravaganza by the Cleveland Convention Center be charged at the prevailing rate to the Office of the Mayor.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.
Absent: Director Ricchiuto.

Resolution No. 682-04.

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

Whereas, City has acquired Permanent Parcel No. 119-14-012, located at East 79th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1677-04 passed November 8, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Gregory Taylor has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1677-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Gregory Taylor for the sale and development of Permanent Parcel No. 119-14-012, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Ricchiuto.

Resolution No. 683-04.

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 106-04-039, located at Star Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1681-04 passed November 8, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Catherine McCollum has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1681-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Catherine McCollum for the sale and development of Permanent Parcel No. 106-04-039, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Ricchiuto.

Resolution No. 684-04.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976 the City is conducting a Land Reutilization Program in accordance with

the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 104-18-072 and 104-18-073, located at Whittier Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1682-04 passed November 8, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Dionne Whitaker has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1682-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Dionne Whitaker for the sale and development of Permanent Parcel Nos. 104-18-072 and 104-18-073, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Ricchiuto.

Resolution No. 685-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 104-19-034 and 104-19-035, located at Lexington Avenue under said Land Reutilization Program; and

Whereas, Ordinance No. 1680-04 passed November 8, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Mohammed J. Zachariah has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1680-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Mohammed J. Zachariah for the sale and development of Permanent Parcel Nos. 104-19-034 and 104-19-035, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Ricchiuto.

Resolution No. 686-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 006-23-051, located at West 51st Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1684-04 passed November 8, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Gary Nettgen has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1684-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Gary Nettgen for the sale and development of Permanent Parcel No. 006-23-051, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.

Nays: None.

Absent: Director Ricchiuto.

Resolution No. 687-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 119-05-047 and 119-05-048, located at East 87th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1679-04 passed November 8, 2004, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Lawrence M. Jenkins has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1679-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Lawrence M. Jenkins for the sale and development of Permanent Parcel Nos. 119-05-047 and 119-05-048, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 688-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 141-07-113, located at East 162nd Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1674-04 passed November 8, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Janis E. Adams has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1674-04 passed November 8, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Janis E. Adams for the sale and development of Permanent Parcel No. 141-07-113, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$500.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

Resolution No. 689-04.

By Director Rush.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 129-18-102 located at East 117th Street in Ward 4; 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, Elizabeth Bartee, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Elizabeth Bartee for the sale and development of Permanent Parcel No. 129-18-102 located at East 117th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Acting Directors Horvath, Dumas, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Ronayne, Rush, Routen, Huth, Fumich, Taylor and Acting Director Vilkas.
Nays: None.
Absent: Director Ricchiuto.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

closing date slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 20, 2004

9:30 A.M.

Calendar No. 04-300: 3666 West 139th Street (Ward 20)

Judith Muldoon, owner, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from an order issued by the Deputy Director of the Building and Housing Department to correct a violation of the Fence Regulations for installation of a 6' high wooden fence atop an 18" base of paving stones, contrary to the fence height requirements of Section 358.04(a) of the Codified Ordinances.

Calendar No. 04-301: 1187 Old River Road (Ward 13)

Richard Droe, d.b.a. Droe Express System, Inc., owner, and Frank Imhoff, tenant, appeal to change the use of a nightclub in a one-story masonry building to an adult cabaret, situated on an irregular 20' x 96' lot located in a General Industry District on the north side of Old River Road at 1187 Old River Road; contrary to Section 347.07(c)(3) of Specific Uses Regulated, the proposed adult cabaret is within the required 1000' distance from existing adult entertainment uses at 1180 Main Avenue, 1045 Old River Road, and 1273 West 9th Street; it is within 1000' of a billiard hall at 1148 Main Avenue, contrary to Section 347.07(c)(4); and it is within the required 1000' distance from a public park, Settler's Landing Park on Old River Road, contrary to Section 347.07(c)(5) of the Codified Ordinances.

Calendar No. 04-302: 3816 East 153rd Street (Ward 3)

Roosevelt Taylor, owner, appeals to convert an existing single family dwelling to a two family dwelling situated on a 40' x 133' lot in an A1 One-Family District, located on the west side of East 153rd Street at 3816 East 153rd Street; subject to the limitations of Section 337.02, a two family dwelling is first permitted in a Two-Family District under Section 337.03; and contrary to the provi-

sions for Area Requirements, a two family dwelling requires a minimum lot size of 6,000 s/f and 5,320 s/f is provided with a minimum lot width of 50' required where 40' is provided; and where a minimum of 950 s/f is required, 589.9 s/f is proposed for the second floor, contrary to Section 355.05 of the Codified Ordinances.

Calendar No. 04-303: 1811 Grantham Road (Ward 10)

Gwendolyn Carr, owner, appeals to erect a two-story frame dwelling and an accessory garage on the same parcel with an existing two family dwelling, situated on an approximate 50' x 120' corner lot located in a Two-Family District at the southeasterly corner of Grantham Road and Euclid Avenue at 1811 Grantham Road; contrary to Section 337.03 for a Two-Family District, the proposed three family dwelling is first permitted in a Multi-Family District under Section 337.08; and Sections 357.09(2)(C) and 357.05 require an 8' interior side yard where 7' is provided; and the distance between a main building and a rear building on the same lot shall not be less than 40' and Section 355.05 requires a minimum lot area of 2,400 s/f per dwelling unit, or a total of 7,200 s/f, and 5,950 s/f is provided; and a 950 s/f minimum floor area is required for each residential unit where 864 s/f is provided; and Section 349.01 requires 3 off-street parking spaces and 1 is provided; and Section 359.01 requires that the Board of Zoning Appeals approve the Non-conforming Use.

Calendar No. 04-304: 1240 West 9th Street (Ward 13)

West Ninth Street Properties LLC c/o Mike Marous, agent, appeal to erect an approximate 74' x 168' eleven-story condominium building on acreage situated in a D5 and B4 Limited Retail Business District, located on the west side of West 9th Street at 1240 West 9th Street; contrary to Section 355.04(a) of the Area Requirements, approximately 140,000 s/f is proposed, where the allowable maximum gross floor area is the lot area or 87,053 s/f; and there is no side yard distance on the south side of the proposed building, where an interior side yard of not less than 8' is required as stated in Section 357.09(b)(2)(C) of the Codified Ordinances.

Calendar No. 04-305: 3467 West 41st Street (Ward 14)

Neil Mohny, owner, appeals to construct a 20' x 20' accessory garage on a 35' x 69' lot where there is an existing 24' x 40' non-conforming single family dwelling, located in a General Retail Business District on the east side of West 41st Street at 3467 West 41st Street; contrary to the requirements for accessory uses in Residential District, a minimum of 18" is required from the property line where 6" is proposed and a 10' distance is required from a main building on an adjoining lot and 3'6" is proposed, contrary to Section 337.23(a) of the Codified Ordinances.

Calendar No. 04-306: 3458 East 140th Street (Ward 3)

Katie Tufts, owner, appeals to erect a 22' x 22' one-story frame, accessory garage on an existing nonconforming foundation situated on a 50' x 145' lot in a Multi-Family District on the west side of East 140th Street at 3458 East 140th Street; contrary to Section 337.23(a), where accessory buildings shall not occupy more than 40% of the required rear yard area, the existing foundation begins at a 57' distance rather than 73' and the Board of Zoning Appeals approval is required for the substitution of the nonconforming garage as stated in Section 359.01 of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, DECEMBER 6, 2004

At the meeting of the Board of Zoning Appeals on Monday, December 6, 2004, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 04-264: 3262 Fulton Road

Michel and Ava Farivar appealed to change the use of a one-story building from a factory to a recreation use for martial arts in a Local Retail Business District; subject to conditions.

Calendar No. 04-288: 4912 Tillman Avenue

Courtney Rice appealed to erect a two-story frame garage and dwelling addition in a Two-Family District.

Calendar No. 04-289: 8245 Broadway Avenue

Anthony Konopinski appealed to establish a used car sales lot on a corner lot in split zoning for General Retail Business and Semi-Industry Districts.

Calendar No. 04-291: 10504 Helena Avenue

Glenville New Life Community Church appealed to construct a two-story multi-purpose center and assembly hall addition to a church in a Local Retail Business District; subject to conditions.

Calendar No. 04-292: 4274 East 137th Street

Shirley Boger appealed to enclose the front porch of a single family dwelling in an A1 One-Family District.

Calendar No. 04-248: 17877 St. Clair Avenue

17877 Property Ltd. and Tree of Hope Enrichment appealed to establish use for a day care in a portion of an industrial building located in Semi-Industry and General Industry Districts.

The following appeal was **Denied**:

Calendar No. 04-193: 2487 West 25th Street

George Sass appealed to construct a two-story building for a wrecking yard and service garage in a Semi-Industry District.

The following appeals were **Postponed**:

Calendar No. 04-290: Erieview Land Co., LLC 1301 East 9th Street postponed to January 3, 2005.

Calendar No. 04-225: 16911 Euclid Avenue postponed to January 3, 2005.

In Executive Session on December 6, 2004, the following appeals heard by the Board on November 29, 2004 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 04-261: 2059 Hamilton Avenue

Stricker Realty Ltd. appealed to install approximately 140' of 6' high chain link fence with three strands of barbed wire along the front and the rear of a lot in a Semi-Industry District.

Calendar No. 04-265: 3680-3716 East 65th Street - Lot #1

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f in a Local Retail Business District.

Calendar No. 04-266: 3680-3716 East 65th Street - Lot #2

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-267: 3680-3716 East 65th Street - Lot #3

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-268: 3680-3716 East 65th Street - Lot #4

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-269: 3680-3716 East 65th Street - Lot #5

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-270: 3680-3716 East 65th Street - Lot #6

The Pulaski Franciscan Community Development Corporation appealed to erect a one family townhouse unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-271: 3680-3716 East 65th Street - Lot #7

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-272: 3680-3716 East 65th Street - Lot #8

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-273: 3680-3716 East 65th Street - Lot #9

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-274: 3680-3716 East 65th Street - Lot #10

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-275: 3680-3716 East 65th Street - Lot #11

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-276: 3680-3716 East 65th Street - Lot #12

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-277: 3680-3716 East 65th Street - Lot #13

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-278: 3680-3716 East 65th Street - Lot #14

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-279: 3680-3716 East 65th Street - Lot #15

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-280: 3680-3716 East 65th Street - Lot #16

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-281: 3680-3716 East 65th Street - Lot #17

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-282: 3680-3716 East 65th Street - Lot #18

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-283: 3680-3716 East 65th Street - Lot #19

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-284: 3680-3716 East 65th Street - Lot #20

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-285: 3680-3716 East 65th Street - Lot #21

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

Calendar No. 04-286: 3680-3716 East 65th Street - Lot #22

The Pulaski Franciscan Community Development Corporation appealed to erect a one family town-house unit on a 56,000 s/f lot in a Local Retail Business District.

The following appeals were **Denied:**

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
December 3, 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-120-04.

RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 1681 East 116th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-124-04.

RE: Appeal of Case Western Reserve University, owner of the Property located on the premises known as 1672 East 117th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated Novem-

ber 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-125-04.

RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 1697 East 116th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-126-04.

RE: Appeal of Case Western Reserve University, owner of the Property located on the premises known as 1677 East 115th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-127-04.

RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 1665 East 115th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-128-04.

RE: Appeal of Case Western Reserve University, owner of the Property located on the premises known as 1641 East 115th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-129-04.

RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 1630 East 118th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 11, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit part of the exhaust in the main shaft to be constructed with a two-hour shaft wall as shown on the plans, but that the shaft wall is to extend up through the ceiling of the fourth floor with the enclosure situation just above the fourth floor with access doors for damper verification in the fourth floor suite; and to grant the variance required to delete the smoke dampers in the toilet and kitchen exhaust duct entrances to the shaft, noting that there are smoke detectors in all the bedrooms with local annunciation, and that there is a smoke detector in the entry with global annunciation; and that there is fresh air preservation of the corridors and

that verification and demonstration of the performance of these systems under both normal and emergency power will be conducted prior to the acceptance of the buildings including supply and exhaust dampers. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-121-04.

RE: Appeal of Arqile Jani, Owner of the Property located on the premises known as 2972 Bridge Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated October 18, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket is rescheduled for December 15, 2004.

* * *

Docket A-122-04.

RE: Appeal of Board of County Commissioners Cuyahoga County, Owner of the Property located on the premises known as 310 Lakeside Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated November 16, 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 permit the County offices to be secured and accessible only by card access, except in case of a fire emergency, in which case, it will be an unlocked emergency exit with bilingual signage agreeable to the City Department of Building and Housing. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-130-04.

RE: Appeal of Art Galvanizing Works, Inc., Owner of the Property located on the premises known as 3935 Valley Road from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated September 27, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the appellant six (6) months in which to obtain all permits and abate all the violations on the property according to the plan dated November 29, 2004 letter by industrial consultants; the provisions are that the plan will not extend beyond six (6) months and that all work must be concluded by that time. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

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

APPROVAL OF RESOLUTIONS:

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

- A-81-04—Tom Leneghan.
- A-109-04—Gloria J. Peterson.
- A-113-04—Cleveland Clinic Foundation.
- A-114-04—Cleveland FoodBank.
- A-115-04—University Hospitals of Cleveland.
- A-116-04—Flo Café, LLC.
- A-119-04—Forest City Commercial Group.

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

* * *

APPROVAL OF MINUTES:

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

November 17, 2004

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, December 13, 2004
9:00 A.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, December 13, 2004, at 9:00 a.m., to consider the following ordinance now pending in the Council:

Ord. No. 2210-04.

By Council Member Cimperman. An ordinance to change to change the zoning of properties on the west side of East 62nd Street, south of Grdina Avenue to an RA-2 Townhouse (Map Change No. 2142, Sheet No. 4).

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

JOSEPH C. CIMPERMAN
Chairman
Committee on City Planning

December 1, 2004 and December 8, 2004

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."

THURSDAY, DECEMBER 16, 2004

Department of Public Service Sprinkler Work (Former Aviation High School), for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2066-04, passed by the Council of the City of Cleveland, October 25, 2004.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 9, 2004, AT 2:00 P.M., FORMER AVIATION HIGH SCHOOL, 4001 NORTH MARGINAL ROAD, CLEVELAND, OHIO.

Ridge Road Transfer Station Plating and Repair to Concrete Tipping Walls, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2146-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, FRIDAY, DECEMBER 10, 2004, AT 10:00 A.M., DIVISION OF ARCHITECTURE, ROOM 517, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

December 1, 2004 and December 8, 2004

FRIDAY, DECEMBER 17, 2004

Asphalt Concrete and Tack Coat, Including Labor and Materials for Delivery, Spreading and Compacting Runways and Roadways, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1477-04, passed by the Council of the City of Cleveland, October 18, 2004.

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

December 1, 2004 and December 8, 2004

THURSDAY, DECEMBER 23, 2004

Testing, Inspection and Repair of Bucket Trucks, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 250-04, passed by the Council of the City of Cleveland, June 7, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING, WEDNESDAY, DECEMBER 15, 2004 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

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

December 1, 2004 and December 8, 2004

THURSDAY, DECEMBER 23, 2004

Standard Wire, for the Various Divisions of the City Government, Department of Finance, as authorized by Ordinance No. 2007-04, passed by the Council of the City of Cleveland, November 8, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING, FRIDAY, DECEMBER 17, 2004 AT 10:30 A.M., CONFERENCE ROOM 514, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

December 8, 2004 and December 15, 2004

WEDNESDAY, DECEMBER 29, 2004

Office Supplies, for the Various Divisions of the City Government, Department of Finance, as authorized by Ordinance No. 2005-04, passed by the Council of the City of Cleveland, November 8, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING, THURSDAY, DECEMBER 16, 2004 AT 11:00 A.M., CONFERENCE ROOM 514, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

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

December 8, 2004 and December 15, 2004

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2258-04.

By Council Members Sweeney, Brady and O'Malley.

An emergency resolution urging the state of Ohio to fund the construction of noise walls on all highways where noise levels exceed the standard decibel level, including highways going through urban neighborhoods.

Whereas, there are many areas throughout northeast Ohio where noise levels from interstate traffic exceed the threshold 67 dBA, thus qualifying those areas for noise abatement; and

Whereas, the biggest problem in constructing the noise walls in the state is the unavailability of funds with which to complete the noise abatement program; and

Whereas, funding for the Noise Wall Retrofit Program has been eliminated in 2006 due to budget constraints; and

Whereas, noise walls continue to be constructed in suburban areas of Ohio while the state has consistently ignored urban neighborhoods, although urban areas are affected just as much, if not more, by highway traffic; and

Whereas, the state's noise abatement program should be funded in order to help ensure a better quality of life for those living near interstates, including those living near interstates in urban areas of Ohio; and

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

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

Section 1. That this Council hereby urges the state of Ohio to fund the construction of noise walls on all highways where noise levels exceed the standard decibel level, including highways going through urban neighborhoods.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Taft, the Ohio State House and Senate representatives from Cuyahoga County and to Gordon Proctor,

Director, Ohio Department of Transportation.

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 November 22, 2004.

Effective November 30, 2004.

Res. No. 2259-04.

By Council Member Britt.

An emergency resolution objecting to the transfer of a liquor license of a C2 Liquor Permit to 10716 Woodland Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of a liquor license of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Amanah Foods, Inc., DBA Saveliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0172762; 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 a liquor license of a C2 Liquor Permit from Drug World, Inc., 12201 Larchmere Avenue, Cleveland, Ohio 44120, Permanent Number 2315633 to Amanah Foods, Inc., DBA Saveliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, Perma-

ment Number 0172762, 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 November 22, 2004.
Effective November 30, 2004.

Res. No. 2260-04.

By Council Member Gordon.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 3753 Pearl Road and repealing Resolution No. 1328-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 3753 Pearl Road by Resolution No. 1328-04 adopted by the Council on July 14, 2004; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Guru Kirpa, Inc., DBA Convenient Food Mart, 3753 Pearl Road, Cleveland, Ohio 44109, Permanent Number 3453183 be and the same is hereby withdrawn and Resolution No. 1328-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted November 22, 2004.
Effective November 30, 2004.

Res. No. 2261-04.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 3918 East 140th Street and repealing Resolution No. 1657-04, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a C2 and

C2X Liquor Permit to 3918 East 140th Street by Resolution No. 1567-04 adopted by the Council on August 11, 2004; and

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

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

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

Section 1. That objection to the transfer of stock of a C2 and C2X Liquor Permit to 3918 Company, DBA East 140th Street Market, 3918 East 140th Street, Cleveland, Ohio 44128, Permanent Number 8917046 be and the same is hereby withdrawn and Resolution No. 1567-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted November 22, 2004.
Effective November 30, 2004.

Res. No. 2262-04.

By Council Member Pierce Scott.
An emergency resolution objecting to a New C1 Liquor Permit at 7502 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Pyramids Market, Inc., DBA Pyramids Market, 7502 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 6082097; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Pyramids Market, Inc., DBA Pyramids Market, 7502 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 6082097; 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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 1269-04.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant of equipment from the Ohio Emergency Management Agency, for the Ohio State Homeland Security Program; and authorizing the Director to enter into one or more agreements with the County of Cuyahoga and other public entities necessary to accept the equipment under the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant of equipment in the amount of approximately \$18,000, from the Ohio Emergency Management Agency, for the Ohio State Homeland Security Program, that the Director is authorized to file all papers and execute all documents necessary to receive the equipment under the grant.

Section 2. That the summary for the grant, File No. 1269-04-A, made a part hereof as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga and other public entities necessary to accept equipment from them under the grant.

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 1280-04.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to The Inner City Development and Personal Growth Foundation.

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. 106-02-001 as more fully described below, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 31 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records, and bounded and described as follows: Beginning at the intersection of the Easterly line of East 68th Street with the Southerly line of Superior Avenue N.E.; thence Easterly 49.85 feet along the said Southerly line of Superior Avenue N.E., to a point; thence Southerly 122.08 feet parallel with the Easterly line of said Sublot No. 31 to a point; thence Westerly 49.85 feet parallel with the said Southerly line of Superior Avenue N.E., to

a point in the said Easterly line of East 68th Street; thence Northerly 122.08 feet along the said Easterly line of East 68th Street to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 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. 106-02-002 as more fully described below to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 31, 32 and 33 in M & M Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Superior Avenue, N.E. at the Northeast corner of a parcel of land conveyed by The Cleveland Trust Company to Suzanne Saikals by deed, dated May 28, 1937, and recorded in Volume 4736, Page 254 of Cuyahoga County Records, which point of beginning is also 49.85 feet Easterly from the intersection of the Southerly line of Superior Avenue, N.E. with the Easterly line of East 68th Street; thence South 110.75 feet along the Easterly line of land so conveyed to Suzanne Saikals to a point; thence Easterly 57.75 feet parallel to the Southerly line of Superior Avenue, N.E. to a point in a brick wall; thence Northerly 110.75 feet along a brick wall to a point in the Southerly line of Superior Avenue, N.E.; thence Westerly 57.90 feet along the Southerly line of Superior Avenue, N.E. to the place of beginning.

Subject to Zoning Ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-02-085 as more fully described below, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 68th Street (formerly Wilmar Street) 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.

Restrictions in Deed Volume 483, Page 350 of Cuyahoga County Records, dated September 13, 1890.

Subject to easement recorded in Volume 483, Page 350 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-02-086 as more fully described, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the Northeast side of East 68th Street (formerly Wilmar Street) 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.

Restrictions contained in the instrument dated August 1, 1892 and recorded in Volume 525, Page 579 of Cuyahoga County Records affecting premises described above.

Subject to Zoning Ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-02-087 as more fully described below, to The Inner City Development and Personal Growth Foundation.

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

P. P. No. 106-02-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sublot No. 30 in M. and M. Halle's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 13 of Maps, Page 24 of Cuyahoga County Records and being 30 feet front on the Easterly side of East 68th Street (formerly Wilmar Street) 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.

Also subject to all zoning ordinances, if any.

Section 11. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 12. 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 13. 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 14. 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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 1492-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.

Section 2. That the aggregate cost of the contracts authorized shall not exceed \$1,711,228.00 and shall be paid from Fund Nos. 13 SF 984 and 14 SF 030, Request No. 125779.

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 1668-04.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair elevators at various city health centers, for the Division of Health, Department of Public Health, for a two year period.

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

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

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to maintain and repair elevators at various city health centers, 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 Health, Department of Public Health. 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 143363)

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 1848-04.
By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the STD Control Grant Gonorrhea Screening 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 Public Health is authorized to apply for and accept a grant in the approximate amount of \$121,264.00, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the STD Control Grant Gonorrhea Screening Project; 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 described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1848-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 2009-04.
By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of landscaping and snow removal service at various locations, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153224)

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

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

Passed November 22, 2004.
Effective November 30, 2004.

Ord. No. 2013-04.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with the Cleveland Housing Network to provide write-down grants for houses purchased from HUD through an Asset Control Area Agreement.

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

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

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

Section 2. That the costs of the contract shall not exceed Five Hundred Thousand Dollars (\$500,000), and shall be paid from Fund No. 13 SF 983, Request No. 125782.

Section 3. That in the construction contracts CHN negotiates for the rehabilitation of the single-family houses it purchases using the write-down grant assistance provided by the contract or contracts authorized above, it will require the contractors to use significant effort to hire Residents of the City to perform twenty percent of the total Construction Worker Hours performed to rehabilitate each house. The terms "Resident of the City" and "Construction Worker Hours" are defined in the Fannie M. Lewis Cleveland Resident Employment Law, Chapter 188 of the Cleveland Codified Ordinances.

Section 4. That the Director of Community Development shall make a progress report on this program to the Community and Economic Development Committee of this Council six months after the passage of this ordinance, and every six months thereafter during the term of the contract authorized by this ordinance. Each progress report shall include the number of properties that have been acquired by Cleveland Housing Network under the program, where they are located, the names of the contractors that are being employed or that have been employed to renovate each property, the status of work on each property, the total number of construction work hours expended on each property, the number of those construction work hours performed by City of Cleveland residents, and the number and sales price of any

property that is sold by Cleveland Housing Network.

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 2058-04.
By Council Members Britt and Jackson (by departmental).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cleveland Infant Mortality Reduction Initiative Project; and to enter into one or more contracts with various agencies 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 Public Health is authorized to apply for and accept a grant in the approximate amount of \$112,500, and any other funds as they may become available during the grant term, from the Ohio Department of Health, to conduct the Cleveland Infant Mortality Reduction Initiative Project; that the Director of Public Health 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 administrative summary for the grant.

Section 2. That the administrative summary for the grant, File No. 2058-04-A, made a part as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts with various agencies to implement the project as described in the file.

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

Section 5. That the Director of Public Health shall have the authority to extend the term of the grant if other funds become available during the grant term. Notwithstanding the above, the Director of Public Health shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 2124-04.

By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cleveland Foundation for the Successful Aging Elder Friendly Communities Project; and authorizing the Director to employ one or more professional consultants 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 Aging is authorized to apply for and accept a grant in the approximate amount of \$40,000, and any other funds that may become available during the grant term from the Cleveland Foundation to conduct the Successful Aging Elder Friendly Communities Project; 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 described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 2124-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

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

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

Passed November 22, 2004.
Effective November 30, 2004.

Ord. No. 2196-04.

By Council Members Coats and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to enter into a contract with WPS Energy Services, Inc. for retail electric aggregation services and power supply for the City's electric aggregation program for the period of 2006-2008.

Whereas, the City of Cleveland currently conducts an electric aggregation program that offers savings to residents and businesses that receive electric service from the Cleveland Electric Illuminating Company; and

Whereas, the City's contract with its current supplier for the aggregation program expires December 31, 2005, and the City wishes to enter into a contract for the provision of electric aggregation services and power supply for the period of 2006-2008; 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, under Section 129.331 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to enter into a contract with WPS Energy Services, Inc. for retail electric aggregation services and power supply on the basis of its proposal dated November 5, 2004.

Section 2. That the contract authorized by this ordinance shall contain such terms and conditions as the Director of Law deems necessary to benefit and protect the City and the customers of the electric aggregation program.

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 2251-04.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the Sisters of Charity and St. Luke's Foundations for the Sisters of Charity Flu Vaccine Program and the St. Luke's Flu Vaccine Program; and authorizing the purchase by one or more requirement contracts of flu vaccines to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$10,000 from the Sisters of Charity Foundation, and a grant in the approximate amount of \$40,000 from St. Luke's Foundation, and any other funds that may become available during the grant term to conduct the Sisters of Charity Flu Vaccine Program and the St. Luke's Flu Vaccine Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the summary for the grants contained in the file described below.

Section 2. That the summary for the grants, File No. 2251-04-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grants during the grant terms.

Section 4. That the Director of Public Health 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 grant terms of the necessary items of flu vaccines, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. 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 5. 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.

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 November 22, 2004.
Effective November 30, 2004.

Ord. No. 2257-04.

By Council Member Cimperman. An emergency ordinance to amend Section 3 of Ordinance No. 421-02, passed March 11, 2002, relating to public improvements at various health centers.

Whereas, Ordinance No. 1224-01, passed July 18, 2001, determined the method of making certain public improvements to various health centers and authorized the Director of Public Health to enter into contract for the making of such improvements; and

Whereas, Ordinance No. 421-02, passed March 11, 2002, amended Ordinance No. 1224-01 by adding a new Section 3; and

Whereas, this new Section 3 of Ordinance No. 421-02 authorized the costs associated with the health center improvements to be paid from certain funds; and

Whereas, an additional funding source is necessary to proceed forward with the Tremont Health Center public improvements; and

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

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

Section 1. That Section 3 of Ordinance No. 421-02, passed March 11,

2002, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 20 SF 320, 20 SF 331, 20 SF340, 20 SF 362 and 20 SF 371 (Request No. 30520) and that the cost of improvements to the Tremont Health Center shall be paid from Fund No. 10 SF 166 in an amount not to exceed \$30,000.00.

Section 2. That the Title, existing Section 1, and existing Section 2 of Ordinance No. 1013-02, passed May 20, 2002, as amended by Ordinance No. 1394-02, passed July 17, 2002, is hereby repealed.

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

Passed November 22, 2004.
Effective November 30, 2004.

COUNCIL COMMITTEE MEETINGS

**Monday, December 6, 2004
9:30 a.m.**

Employment, Affirmative Action & Training Committee: Present: Lewis, Chair; Conwell, Vice Chair; Coats, Polensek, Sweeney, Pro-tem. *Authorized Absence:* Cintron, Johnson, Reed.

11:00 a.m.

Public Service Committee: Present: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Brady. *Authorized Absence:* Cimperman, Johnson.

2:00 p.m.

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

**Tuesday, December 7, 2004
9:30 a.m.**

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

**Wednesday, December 8, 2004
10:00 a.m.**

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

1:30 p.m.

City Planning (Zoning) Committee: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, Pierce Scott, Westbrook. *Authorized Absence:* O'Malley.

2:00 p.m.

City Planning Committee: CAN-CELLED.

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