

The City Record

Official Publication of the City of Cleveland

September the Twelfth, Two Thousand and One

Mayor	
Michael R. White	
President of Council	
Michael D. Polensek	
Clerk of Council	
Ruby F. Moss	
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	William W. Patmon
9	Craig E. Willis
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	Timothy J. Melena
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—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3232 East 119th 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	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	5832 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	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR – Michael R. White

Judith Zimomra, Chief of Staff
 Barry Withers, Executive Assistant for Administration
 Cornell P. Carter, Executive Assistant for Health and Human Services
 Kenneth Silliman, Executive Assistant for Development
 Nicholas P. Jackson, Executive Assistant for Services
 Matt Dotson, Executive Assistant for Legislative Affairs
 Marvin Hayes, Executive Assistant for Intergovernmental Affairs
 Lucille Ambroz, Director, Office of Equal Opportunity

DEPT. OF LAW – Pinkey S. Carr, Director, _____, Chief Counsel, Room 106

Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center
 8th Floor, Court Towers, 1200 Ontario Street
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Kelly Clark, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
 DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19
 City Treasury – Algeron Walker, Treasurer, Room 115
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128
 Printing and Reproduction – Diante Fritzgerald, Acting Commissioner,
 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
 Financial Reporting and Control – Robert Dolan, Controller, Room 18
 Information Systems Services – Cleo Henderson, Commissioner,
 1404 E. 9th St.

DEPT. OF PUBLIC UTILITIES – Darnell Brown, Acting Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
 Water – Julius Ciaccia, Jr., Commissioner
 Water Pollution Control – Darnell Brown, Commissioner
 Utilities Fiscal Control – Morry Blech, Commissioner
 Cleveland Public Power – James F. Majer, Commissioner
 Street Lighting Bureau – Frank Schilling, Acting Chief.

DEPT. OF PORT CONTROL – Reuben Sheperd, Director,

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

DEPT. OF PUBLIC SERVICE – Randall E. DeVaul, Acting Director, Room 113

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

DEPT. OF PUBLIC HEALTH – Michele C. Whitlow, Director, Mural Building 1925 St. Clair Avenue

DIVISIONS – Health – Susan E. Axelrod, Commissioner, Mural Building,
 1925 St. Clair Avenue
 Environment – Michael Konicek, Commissioner, Mural Building,
 1925 St. Clair Avenue
 Correction – Thomas Hardin, Commissioner, Cleveland House of
 Corrections, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY – Henry Guzmán, Director, Room 230.

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Alfred T. Miller, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

DIVISIONS – Convention Center & Stadium – James Glending,
 Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Property Management – Tom Nagle, Commissioner, East 49th & Harvard

Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium,
 E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Commissioner, Public
 Auditorium – E. 6th & Lakeside.

Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501
 N. Marginal Road, Burke Lakefront Airport

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

DIVISIONS – Administrative Services – Terrence Ross, Commissioner.
 Neighborhood Services – Louise V. Jackson, Commissioner.
 Neighborhood Development – Donald T. Moss, Commissioner.
 Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Jeffery K. Patterson, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Christopher P. Warren, Director, Room 210

DEPT. OF AGING – Dolores Alexander, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Dennis D. Dove, Director; Mayor
 Michael R. White, Chairman Ex-Officio; Mary Adele Springman,
 Vice-Chairman; Councilman Dona Brady, Councilman Joe Cimperman,
 City Council Representatives; Rev. Bruce Goode, Paula Castleberry,
 Charles E. McBee, Mary Adele Springman, Esq., Terez E. Woods, Emmett
 Saunders, John Banno, Mary Jane Buckshot, Kathryn M. Hall, Raymond
 Negron, Evangeline Hardaway, Edna Fuentes-Casiano, Janet Jankura,
 Gia Hoa Ryan.

CIVIL SERVICE COMMISSION – Room 119, Anne Bloomberg, President;
 _____, Vice President; Gregory J. Wilson, Secretary;
 Timothy J. Cosgrove, Member, Rev. Earl Preston, Member.

SINKING FUND COMMISSION – Michael R. White, President; Betsy Hruby, Asst.
 Sec'y; _____, Director; Council President Michael D. Polensek.

BOARD OF ZONING APPEALS – Room 516, Carol Johnson, Chairman; Members;
 Chris Carmody, Margaret Hopkins, Ozell Dobbins, Tony Petkovsek,
 Eugene Cranford, Jr., Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Pinkey S. Carr,
 President; Finance Director Kelly Clark, Secretary; Council President
 Michael D. Polensek.

BOARD OF SIDEWALK APPEALS – Service Director Randall E. DeVaul; Law
 Director Pinkey S. Carr; Councilman Nelson Cintron, Jr.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Pinkey S. Carr;
 Utilities Director Darnell Brown; Council President Michael D. Polensek.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Acting Director;
 Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke,
 Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small,
 Councilman Joseph Cimperman.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones,
 Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Pinkey S. Carr; Chairman;
 Finance Director Kelly Clark; Council President Michael D. Polensek;
 Councilman Bill Patmon; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman;
 Donald Baulknigh, 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 – Richard Schanfarber,
 Chairman; Paul Volpe, Vice Chairman; N. Kurt Wiebush, James Gibans,
 Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein,
 Randall Shorr, Councilman Joseph Cimperman, Councilman Timothy J.
 Melena, Robert Keiser, Executive Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER—1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connolly	15C
Judge Ann Marie Feighan	12B
Judge Sean C. Gallagher	12C
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

Earle B. Turner – Clerk of Courts, Linda M. DeLillo—Court Administrator,
 Robert C. Townsend, II—Bailiff; Kenneth Thomas—Chief Probation Officer,
 Michelle L. Paris—Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 88

WEDNESDAY, SEPTEMBER 12, 2001

No. 4579

CITY COUNCIL

MONDAY, SEPTEMBER 10, 2001

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Rybka, Chairman; Dolan, Vice Chairman; Brady, Britt, Johnson, Reed, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Cintron, Chairman; Sweeney, Vice Chairman; Coats, Johnson, Jones, Melena, O'Malley, Westbrook, Willis.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Johnson, Jones.

MONDAY

2:00 P.M. — **Finance Committee:** Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Melena, Chairman; Lewis, Vice Chairman; Brady, Cimperman, Cintron, Jackson, Johnson, Jones, Willis.

TUESDAY—Alternating

1:00 P.M. — **Public Health Committee:** Gordon, Chairman; Brady, Vice Chairman; Cimperman, Jackson, Reed, Westbrook, Willis.

1:30 P.M. — **Legislation Committee:** Lewis, Chairman; Jones, Vice Chairman; Coats, Gordon, Reed, Westbrook, White.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Dolan, Chairman; O'Malley, Vice Chairman; Brady, Jones, Patmon, Rybka, Sweeney.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Patmon, Vice Chairman; Britt, Cimperman, Coats, Gordon, Jackson, Melena, Sweeney.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** O'Malley, Chairman; Patmon, Vice Chairman; Britt, Coats, Dolan, Melena, Polensek, Westbrook, Willis.

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Reed, White.

The following Committee is subject to the Call of the Chairman:

Mayor's Appointment Committee: Cintron, Chairman; Britt, Jackson, Jones, Sweeney.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 10, 2001.

The meeting of the Council was called to order, The President, Michael D. Polensek, in the Chair.

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Reed, Rybka, Sweeney, Westbrook, White and Willis.

Also present were Mayor White and Directors Carr, Clark, Sheperd, Whitlow, Guzman, Miller, Hudecek, Patterson, Warren, Dove and Ambroz, Acting Directors DeVaul and Brown.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Dr. A. Charles Bowie, Pastor of East Mt. Zion Baptist Church, located at 9990 Euclid Avenue in Ward 6. Pledge of Allegiance was lead by Boy Scout Troop #98 of Blessed Sacrament Parish on Fulton Road.

MOTION

On the motion of Council Member Brady, the reading of the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member Britt.

COMMUNICATIONS

File No. 1655-01.

From Mayor White - re: Fair Campaign Finance Commission; withdrawal of Rev. Kenneth W. Chalker; submission of Salvatore Calandra. Received.

File No. 1656-01.

From the Cleveland AFL-CIO - re: Annual Report, 2000-2001. Received.

File No. 1657-01.

From the Cleveland-Cuyahoga County Port Authority - re: Second Quarter 2001 Business Plan Status Reports. Received.

File No. 1658-01.

From the Department of Law - re: Contract No. 58052 with Montgomery Watson - design compliance of OEPA for detention basin at Cleveland Hopkins International Airport. Received.

File No. 1659-01.

From the Regional Transit Authority - re: Quarterly Management Report. Received.

File No. 1660-01.

From Department of Port Control - re: Bi-Monthly Report - July, 2001. Received.

File No. 1753-01.

From Office of the Mayor - re: City of Cleveland Lease Agreement with MetroHealth System. Received.

OATHS OF OFFICE

File No. 1661-01.

Susan E. Axelrod - Commissioner, Division of Health. Received.

File No. 1662-01.

Frank Badalamenti - Acting Director, Department of Finance. Received.

File No. 1663-01.

Cornell P. Carter - Executive Assistant for Health and Human Services. Received.

File No. 1664-01.

Darnell Brown - Acting Director, Department of Public Utilities. Received.

File No. 1665-01.

Randall E. DeVaul - Acting Director, Department of Public Service. Received.

File No. 1666-01.

Mathew Dotson - Executive Assistant for Legislative Affairs. Received.

File No. 1667-01.
Michael Konicek - Commissioner, Division of Environment. Received.

File No. 1668-01.
Dedrick Stephens - Commissioner, Division of Assessments and Licenses. Received.

File No. 1669-01.
Pinkey S. Carr - Director, Department of Law. Received.

File No. 1670-01.
Mary G. Bounds - Chief of Police. Received.

File No. 1671-01.
Fred Szabo - Commissioner, Division of Cleveland Hopkins International Airport. Received.

File No. 1672-01.
Lester Fultz - Commander, Sixth District Police. Received.

File No. 1673-01.
Cleo Henderson - Commissioner, Division of Information Systems Services. Received.

File No. 1674-01.
Robert Taskey - Commissioner, House of Corrections. Received.

STATEMENT OF WORK ACCEPTED

File No. 1675-01.
From the Director of Parks, Recreation & Properties - re: Contract No. 56466, R. DiLillo & Co. - site improvements - Highland Park Golf Course. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1676-01.
Re: Transfer of Ownership and Location Application - 84910454431 - Standard Oil Co., d.b.a. BP Food Mart 4431, 10202 Lorain Avenue. (Ward 19). Received.

File No. 1677-01.
Re: Transfer of Ownership and Location Application - 83823950005 - Richard A. Sosenko, 1201 Clark Avenue. (Ward 13). Received.

File No. 1678-01.
Re: Stock Transfer Application - 2066426 - Denison Executive Club, Inc., d.b.a. Denison Club, 2617 Denison Avenue, first floor front and basement. (Ward 15). Received.

File No. 1679-01.
Re: Transfer of Ownership and Location Application - 60558980005 - Misty Hollow Lodge, Inc, 911 East 185th Street. (Ward 11). Received.

File No. 1680-01.
Re: Transfer of Ownership and Location Application - 1063349 - Bucco, Inc., d.b.a. Bucco's, 770 East 185th Street. (Ward 11). Received.

File No. 1681-01.
Re: Stock Transfer Application - 49541830001 - L & F Tavern, Inc., d.b.a. Partners Pub, 6125 Denison Avenue, first floor and basement. (Ward 16). Received.

File No. 1682-01.
Re: Stock Transfer Application - 9601 Lorain Avenue, Inc., 9601 Lorain Avenue, first floor and basement. (Ward 18). Received.

File No. 1683-01.
Re: Stock Transfer Application - 1844550 - Cudnik, Inc., d.b.a. Cudnik's Tavern, 3995 Jennings Road. (Ward 15). Received.

File No. 1684-01.
Re: Stock Transfer Application - 2455453 - 801 Literary Corp., d.b.a. Ben's Place, 10412 Madison Avenue, first floor. (Ward 18). Received.

File No. 1685-01.
Re: New Application - 9256090 - Verlie's Cafe, Inc., 3355 West 46th Street. (Ward 14). Received.

File No. 1686-01.
Re: Transfer of Ownership Application - 7008879 - Pololu LTD LLC, d.b.a. Dino's Italian Eatery, 12018 Mayfield Road. (Ward 6). Received.

File No. 1687-01.
Re: Transfer of Ownership Application - 0118682 - Mustafa Ali, d.b.a. Anne's Beverage, 14120 Lorain Avenue. (Ward 21). Received.

File No. 1688-01.
Re: New Application - 1294594 - Jeffrey Carswell, d.b.a. Jeffrey Deli, 7901 Central. (Ward 6). Received.

File No. 1689-01.
Re: Transfer of Ownership Application - 3554828 - Naameh Hammad, d.b.a. White Front Market, 7819-21 Cedar Avenue. (Ward 6). Received.

File No. 1690-01.
Re: Transfer of Ownership Application - 8948207 - T. L. Dorsey, Inc., d.b.a. Mr. Marcs, 17426 Harvard Avenue. (Ward 1). Received.

COMMUNICATIONS

File No. 1723-01.
September 5, 2001

The Honorable Michael D. Polensek
Cleveland City Council President
City Hall
601 Lakeside Avenue, Room 220
Cleveland, Ohio 44114

Dear Council President Polensek:

Due to unforeseen circumstances, Reverend Kenneth W. Chalker will be unable to serve on the Fair Campaign Finance Commission. While Dr. Chalker's assets will be missed on the Commission, I am confident that we have identified other qualified and capable members to serve the citizens of Cleveland.

To fill the open positions, I am removing the name of Mr. David Cabbil from consideration for the mayoral appointment that requires City Council approval. Instead, Mr. Cabbil will serve on the Commission as my direct appointment.

To complete the Commission, I am submitting the name of Mr. Salvatore Calandra for City Council approval. Mr. Calandra is imminently qualified to serve as a member of the Fair Campaign Finance Commission. With a long history in the legal profession, he will bring a commitment to upholding the campaign finance laws that the citizens of Cleveland have loudly supported. I am requesting that Mr. Calandra's nomination be considered an emergency measure for immediate approval at City Council's next regularly scheduled meeting.

I have stated before, it is crucial that the City of Cleveland is able to adequately enforce all of its laws. The Fair Campaign Finance Commission is essential to ensuring that the interests of the citizens of Cleveland are protected. I look forward to your quick action on this matter.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

COMMITTEE ON MAYOR'S APPOINTMENTS

File No. 1724-01.
September 10, 2001

To the Honorable Council of the
Cleveland City Council:

Ladies and Gentlemen:

Report of the Committee on Mayor's Appointments to the Fair Campaign Finance Commission is as follows: the committee convened on Monday, September 10, 2001 to consider the Mayor's appointment of Mr. Salvatore Calandra.

Inasmuch as Mr. Calandra was not available to attend the meeting, the committee, at this time, cannot make a recommendation.

Committee on Mayor's Appointments

Michael D. Polensek, Chairman
Dona Brady
Joe Cimperman
Bill Patmon

Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1691-01—Raymond Bozak.
Res. No. 1692-01—Jessie Mae Rice Randolph.

Res. No. 1693-01—John J. Hughes.
Res. No. 1694-01—Marcella Teresa Barker.

Res. No. 1695-01—Otto Lee Lawrence, Sr.

Res. No. 1696-01—Harun Lamont Frizzell.

Res. No. 1697-01—Claudia Williams.
Res. No. 1698-01—Kenneth E. Layden, Sr.

Res. No. 1699-01—Cornelius Shelby, Sr.

Res. No. 1714-01—Corryne V. Ellis.
Res. No. 1715-01—J. S. Winston.

Res. No. 1716-01—Joseph Racut.
Res. No. 1717-01—Arthur Crockett.

Res. No. 1718-01—Christian Figulia.
Res. No. 1719-01—Jean Braddock.

Res. No. 1720-01—Tom Gerstacker.

CONGRATULATION RESOLUTIONS

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

Res. No. 1700-01—Joseph T. Gorman.

Res. No. 1701-01—Cleveland East Side Turners.

Res. No. 1702-01—Nikola Maric.
Res. No. 1703-01—Norman A. Durma.

Res. No. 1704-01—Peter M. Jedick.

Res. No. 1705-01—Anita Albright Brindza.

Res. No. 1706-01—Donald F. Santa-Emma.

Res. No. 1707-01—Bishop William "Roger" Gries.

Res. No. 1708-01—Bishop Willie B. Hanna.

Res. No. 1709-01—William "Sonny" Harris.

Res. No. 1710-01—Charles Oakley.

Res. No. 1711-01—Maralyn H. West.

Res. No. 1712-01—Clara P. Smith.

Res. No. 1713-01—Alfonso & Annie Ruth Parker.

RECOGNITION RESOLUTION

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

Res. No. 1721-01—Rev. Dr. Henry J. Payden, Sr.

WELCOME RESOLUTION

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

Res. No. 1722-01—The Church of God, M.P.G.T.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1725-01.

By Councilmen Brady, Jackson, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 58014 with The Arab American Community Center For Economic & Social Services In Ohio for the acquisition and rehabilitation of the agency's center located at 11535 Lorain Avenue.

Whereas, pursuant to Ordinance No. 748-2000, passed June 12, 2000, the Director of Community Development entered into Contract No. 58014 with The Arab American Community Center For Economic & Social Services In Ohio to acquire and rehabilitate their facility located at 11535 Lorain Avenue; and

Whereas, additional acquisition and rehabilitation assistance are necessary; and

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

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

Section 1. That the Director of Community Development is authorized to amend Contract No. 58014 with The Arab American Community Center For Economic & Social Services In Ohio to provide for additional acquisition and rehabilitation assistance of their facility located at 11535 Lorain Avenue and to increase the amount of the contract by \$130,000. Said increase shall be paid from Fund No. 14 SF 027, Request No. 104681.

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

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

Ord. No. 1726-01.

By Councilmen Cimperman, Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Helen F. Moss and Richard Fleischman to provide economic development assistance to partially finance the improvement of real property located at 1025 Huron Road, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Helen F. Moss and Richard Fleischman to provide economic development assistance to partially finance the improvement of real property located at 1025 Huron Road, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Summary contained in File No. 1726-01-A.

Section 3. That the costs of said contract shall not exceed Twenty-Nine Thousand Nine Hundred Fifty-Two Dollars (\$29,952.00), and shall be paid from Fund No. 17 SF 008, Request No. 22728, which funds are appropriated for this purpose.

Section 4. That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced above in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 1727-01.

By Councilmen Cintron, Cimperman, Gordon, Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southwest corner of West 11th Street and Abbey Avenue to the Jane A. Clark Trust.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the southwest corner of West 11th Street and Abbey Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

0.442 Acre Parcel on West 11th Street Cleveland, Cuyahoga County

(a.k.a. Permanent Parcel Number 004-09-065)

Southerly Portion

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 17 in the George Worthington Resubdivision of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 5, Page 41 of Cuyahoga County Record of Plats;

Beginning on the west line of West 11th Street, 100 feet wide at the Northeast corner of Sublot No. 18, of said George Worthington Resubdivision;

Thence South 89° 22' 56" West, 105.11 feet along the North line of said Sublot No. 18 to a point on the East line of West 12th Street, 11 feet wide;

Thence North 00° 36' 25" West, 18.81 feet along said East line of West 12th Street, to a point on the South line of Abbey Avenue S.W. Extension, 60 feet wide;

Thence North 89° 55' 57" East, 105.11 feet along said South line of Abbey Avenue S.W. Extension to a point on said West line of West 11th Street;

Thence South 00° 36' 30" East, 17.80 feet along said West line of West 11th Street to the place of beginning;

And containing 0.442 acres of land, be the same more or less but subject to all legal highways and easements of record, as calculated and described in June, 2000 by David W. Novak, P.S. No. 7507. Legal description based on a survey for the Abbey Avenue, S.W. Extension prepared by the City of Cleveland, Engineering Division, and dated October, 1957. Bearings used herein are based on said survey for the Abbey Avenue S.W. Extension, are used to denote angular relationship only, and do not relate to true north.

Section 2. 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 the Jane A. Clark Trust at a price not less

than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor, the Director of Parks, Recreation and Properties and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting 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 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1728-01.

By Councilmen Cintron, Cimperman, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned properties no longer needed for public use located on the north side of Branch Avenue between West 11th Street and West 14th Streets to the adjacent property owners.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned properties no longer needed for public use and located on the north side of Branch Avenue between West 11th Street and West 14th Streets; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Permanent Parcel No. 004-21-034
Parcel No. 4

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 64 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 64;

Thence Northerly along the Westerly line of said Sublot No. 64, 50.40 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning;

Thence continuing Northerly along said Westerly line of Sublot

No. 64, about 81.60 feet to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 64, 40 feet to the Northeastly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 64, about 69.00 feet to its intersection with said Northwesterly limited access line of Interstate Route 290, said point being distant Northerly 63.00 feet as measured along said Easterly line of Sublot No. 64 from the Northerly line of Branch Avenue, S.W.;

Thence Southwesterly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 2. 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 Stephen A. Torkar at a price not less than fair market value as determined by the Board of Control.

Section 3. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Permanent Parcel No. 004-21-035
Parcel No. 5

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 63 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 63;

Thence Northerly along the Westerly line of said Sublot No. 63, 63.00 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning;

Thence continuing Northerly along said Westerly line of Sublot No. 63, about 25.50 feet to the Northwesterly corner of land conveyed to Ernest C. Grey and Grace J. Grey by deed dated June 7, 1952 and recorded in Volume 7491, Page 27 of Cuyahoga County Records;

Thence Easterly along the Northerly line of land so conveyed to Ernest C. Grey and Grace J. Grey, as aforesaid, 40 feet to the Northeastly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 63, about 12.90 feet to its intersection with said Northwesterly limited access line of Interstate Route 290, said point being distant Northerly 75.60 feet as measured along said Easterly line of Sublot No. 63 from the Northerly line of Branch Avenue, S.W.;

Thence Southwesterly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 4. 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 Karen E. Bull at a price not less than fair market value as determined by the Board of Control.

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Permanent Parcel No. 004-21-036
Parcel No. 6

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 62 in the Francis Branch Re-Subdivision of part of Original Brooklyn Township Lot No. 71 as shown by the recorded plat in Volume 8 of Maps, Page 4 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Branch Avenue, S.W. (60 feet wide) at the Southwesterly corner of Sublot No. 62;

Thence Northerly (measured along the Westerly line of said Sublot No. 62), 75.60 feet to its intersection with the Northwesterly limited access line of Interstate Route 290 and the principal place of beginning of the parcel herein described;

Thence continuing Northerly along said Westerly line of Sublot No. 62, about 56.40 feet to the Northwesterly corner thereof;

Thence Easterly along the Northerly line of said Sublot No. 62, 33 feet to the Northeastly corner thereof;

Thence Southerly along the Easterly line of said Sublot No. 62, about 46 feet to its intersection with the Northwesterly limited access line of said Interstate Route 290, said point being distant Northerly (measured along said Easterly line of Sublot No. 62), 86 feet from the Southeastly corner thereof;

Thence Southwesterly in a direct line along said Northwesterly limited access line of Interstate Route 290 to the principal place of beginning, be the same more or less, but subject to all legal highways.

Section 6. 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 Jerome E. and Gladys I. Wallace at a price not less than fair market value as determined by the Board of Control.

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

Section 8. That this ordinance is 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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 1729-01.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 505.11, as amended by Ordinance No. 537-2000, passed July 17, 2000, relating to the duty to repair sidewalks, curbs and gutters; duty to maintain certain sidewalks, liability.

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 505.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 837-2000, passed July 17, 2000, is hereby amended to read as follows:

Section 505.11 Duty to Repair Sidewalks, Curbs and Gutters; Duty to Maintain Certain Sidewalks; Liability

(a) No owner or occupant of abutting lots or lands shall fail to keep the sidewalks, curbs, and gutters in repair and free from snow, ice or any nuisance. (RC 723.011)

(b) In addition to the duty contained in division (a) of this section, no owner or occupant of abutting lots or lands which are used, in whole or in part, for the operation of a business, or which previously have been used for the operation of a business and are now vacant, shall maintain sidewalks with the characteristics contained in division (a) of Section 505.12. As used in this division, "business" means any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, but not including the rental of residential premises.

(c) An owner or occupant of abutting lots or lands who fails to comply with division (a) or, if applicable, division (b) of this section:

(1) shall be liable in money damages to any person who, as a result of such owner's or occupant's failure to comply, sustains bodily injury or property damage while in the lawful use of the sidewalk (an "injured party"); and

(2) shall be liable to and reimburse the City for all money paid by the City on any claim made or judgment obtained against the City by an injured party.

(d) When the Director of Public Service determines that an owner fails to keep the sidewalks, curbs, and gutters in repair because those sidewalks have one or more of the characteristics set forth in division (a) of Section 505.12, the Director shall serve or cause to be served upon such owner a notice which states in detail the nature of the violation. The notice shall also contain an estimate of the cost to repair the sidewalk, curb, or gutter and shall notify the owner that he may submit payment of the estimated amount, which amount shall be the full amount unless there exists a properly authorized program subsidizing these repair costs, to the City by a certain date and enter into an agreement with the City to effectuate the repairs. Funds submitted as an estimated amount shall be deposited in fund No. 10 SF 057 and said funds are appropriated for side-

walks, curb or gutter repair purposes. Upon receipt of the estimated amount and the agreement, the City will construct or repair the sidewalk. If the actual cost of construction or repair is not equal to the estimated amount, the City will bill the owner for any additional cost or reimburse the owner from Fund No. 10 SF 057 for any amount paid to the City that exceeds the actual cost. The agreement required above shall contain such terms and provisions as determined by the Director of Law to protect and benefit the City. This notice is not a substitute for the notice described in division (b) of Section 505.12, but may be issued with that notice.

Section 2. That existing Section 505.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 837-2000, passed July 17, 2000, 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.

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

Ord. No. 1730-01.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 6 of Ordinance No. 593-2000, passed June 5, 2000, as amended by Ordinance No. 1382-01, passed July 18, 2001, relating to the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb strips, intersections, bridge approaches, utility box and casting adjustments and appurtenances.

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 6 of Ordinance No. 593-2000, passed June 5, 2000, as amended by Ordinance No. 1382-01, passed July 18, 2001, is hereby amended to read as follows:

Section 6. That the cost of the improvement hereby authorized shall be paid from Fund No. 11 SF 401, 24 SF 025, 14 SF 026, 20 SF 364, 10 SF 166, 10 SF 057 and from the fund or funds to which are credited the proceeds of the sale of general obligations bonds issued for the purpose which includes the above improvement, Request No. 22515.

Section 2. That existing Section 6 of Ordinance No. 593-2000, passed June 5, 2000, as amended by Ordinance No. 1382-01, passed July 18, 2001, 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.

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

Ord. No. 1731-01.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1264-01, passed June 19, 2001, relating to a requirement contract for the purchase of vehicles, including labor and materials necessary for vehicle rehabilitation, for the various divisions of City government.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1264-01, passed June 19, 2001 are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, cabs, bodies and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation, for the various divisions of City government.

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, cabs, bodies and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle rehabilitation are described in File No. 1264-01-A, in the estimated sum of \$9,179,500, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the existing title and Section 1 of Ordinance No. 1264-01, passed June 19, 2001 are hereby repealed.

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

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

Ord. No. 1732-01.
By Councilmen Gordon and Pat-
mon (by departmental request).
An emergency ordinance author-
ing the Director of Public Health to
enter into an agreement with the
Cleveland Society for the Blind to
provide canteen services at the
Cleveland House of Corrections,
Department of Public Health for a
period of two years, with three two-
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 notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to enter into an agreement with the Cleveland Society for the Blind to provide canteen services at the Cleveland House of Corrections, for a term of two years, with three options exercisable by the Director of Public Health, to renew for additional terms of two years, and cancellable upon thirty days written notice by said Director, commencing upon the date of execution of the agreement.

Section 2. That the agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as may be required to protect and benefit the public interest.

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.

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

Ord. No. 1733-01.
By Councilmen Gordon and Pat-
mon (by departmental request).
An emergency ordinance author-
ing the Director of Public Health to
cause payment of the City of Cleve-
land's obligation under the Lease By
Way of Concession between The
MetroHealth System and the City of
Cleveland.

Whereas, pursuant to Ordinance No. 734-2000, passed June 12, 2000, this Council authorized the Director of Public Health to enter into a Lease By Way of Concession ("Lease") with MetroHealth to provide medical services and clinical physician services at the J. Glen Smith, Thomas McCafferty and Miles-Broadway Health Center and to provide health care screenings at the Tremont Health Center; and

Whereas, under the terms of that Lease, the City shall remit to MetroHealth, upon approval of City Council, an advance payment of \$50,000 which is to be applied against all clinical visits by insured patients for whom MetroHealth cannot be reimbursed; and

Whereas, Ordinance No. 734-2000 provides that any billing agreement for services rendered by MetroHealth be approved by City Council; and

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

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

Section 1. That this Council hereby authorizes payment to MetroHealth Systems of the City's obligation under the Lease by Way of Concession between MetroHealth System and the City of Cleveland for the purpose of providing an advance payment of \$50,000 which will be applied against all clinical visits by insured patients for whom MetroHealth cannot be reimbursed.

Section 2. That said payment shall be payable from Fund No. 01-500501-638000, Request No. 108627.

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.

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

Ord. No. 1734-01.
By Councilman Jackson.
An emergency ordinance author-
ing the sale of real property as part
of the Land Reutilization Program
and located at 2371 East 63rd Street
to Progressive Baptist Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-30-038, as more fully described below, to Progressive Baptist Church.

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

P. P. No. 118-30-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 129 in the Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 63rd Street (formerly Richland Avenue) and extending back between parallel lines 160 feet deep, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1735-01.
By Councilmen Jackson and Pat-
mon (by departmental request).
An emergency ordinance to
amend Sections 1 and 3 of Ord-
inance No. 615-01, passed May 14,
2001, relating to a grant from the
State of Ohio to conduct the State
Home Weatherization Assistance
Program and to enter into contract
with various entities 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 Sections 1 and 3 of Ordinance No. 615-01, passed May 14, 2001, are hereby amended to read, respectively, as follows:

Section 1. That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of **\$2,758,890.99** from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 3. That the cost of said contracts shall not exceed, in the aggregate, **\$2,758,890.99**, and shall be paid from Fund Nos. 13 SF 925, 13 SF 926, 13 SF 927 and 13 SF 928.

Section 2. That existing Sections 1 and 3 of Ordinance No. 615-01, passed May 14, 2001, are hereby repealed.

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

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

Ord. No. 1736-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of homeless assistance activities and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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 hereby authorized to expend funds and enter into contract with various non-profit agencies for the implementation of homeless assistance activities.

Section 2. That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,679,000.00 and shall be paid from Fund No. 13 SC 930, 14 SC 027 Request No. 104680.

Section 3. That the Director of Community Development is hereby authorized to enter into contracts with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

Section 4. That the cost of said contract authorized in Section 3 of this ordinance shall be in an amount not to exceed \$45,000.00 and shall be paid from Fund No. 14 SC 027 and Request No. 104680.

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

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

Ord. No. 1737-01.

By Councilman Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Alonzo Avenue to Anthony Gray, Jr.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 142-16-052, as more fully described below, to Anthony Gray, Jr.

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

P. P. No. 142-16-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in the S.H. Kleinman Realty Company's Mile Heights Allotment of part of Original Warrensville Township Lot No. 82, as shown by the recorded plat in Volume 44 of Maps, Page 15 of Cuyahoga County Records, said Sublot has a frontage of 40 feet on Alonzo Avenue, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Ord. No. 1738-01.

By Councilmen Lewis and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract without competitive bidding with Iron Mountain/National Underground Storage, Inc. for lease of space for the storage of records, and the purchase of services related to the storage of records, for a period of one year 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 notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is hereby authorized to enter into a rental agreement with Iron Mountain/National Underground Storage, Inc. ("NUS") for the rental of approximately 14,000 cubic feet of space for the storage of records of the Cleveland Municipal Court. The rental agreement shall be for a period of one year, with two (2) options exercisable by the Director of Finance, to renew for additional one-year terms, and cancellable upon thirty days written notice by said Director.

Section 2. That the rental agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 3. That it is hereby determined that the within commodities are non-competitive and incidental to the lease of space authorized by Section 1 of this ordinance, and cannot be secured from any source other than NUS. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to make a written requirement contract with said NUS for miscellaneous reference and retrieval services, such as filing, file delivery, faxing, photocopying, entry and destruction of records, for a period of one year, with two (2) options exercisable by the Director of Finance, to renew for additional one-year terms, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Cleveland Municipal Court.

Section 4. That the cost of the rental agreement and related services hereby authorized shall be paid from Fund No. 01-011601-636000, Request No. 8120.

Section 5. 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 Finance, Law; Committees on Legislation, Finance.

Ord. No. 1739-01.**By Councilman O'Malley.**

An emergency ordinance to amend Section 358.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, relating to permit requirements.

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 358.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, is hereby amended to read as follows:

Section 358.07 Permit Requirements

(a) Applicability. Except as exempted in this section, no fence shall be installed unless a permit for such fence has been issued by the Commissioner of Building and Housing.

(b) Contents of Application. An application for a Building Permit to erect a fence shall include the following information, in addition to other information required by the Division of Building and Housing for a permit application:

(1) a site plan, including a survey performed by a professional surveyor, showing the location of the fence and gates in relation to all property lines, streets, driveways, sidewalks and structure on or within six (6) feet of the subject property;

(2) information indicating the height, materials, dimensions, colors, style and opacity of the fence, including the use of barbed wire, if any; and

(3) information and plans indicating the method of attaching the fence to the ground or to other structures.

(c) Exemption for Repair or Replacement. No permit is required for repair or replacement of a fence or portions thereof if the area being repaired or replaced, in any twelve-month period, does not exceed fifty percent (50%) of the length of the fence, and the replacement does not involve changes to foundations or footers. The exemption regarding partial replacement does not apply to walls.

Section 2. That existing Section 358.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, 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.

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

Ord. No. 1740-01.**By Councilmen O'Malley and Patman (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair various air tools and hydraulic equipment, including testing, for the Divisions of Water Pollution Control, Cleveland Public Power and Water, Department of Public Utilities, for a period not to exceed 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to repair various air tools and hydraulic equipment, including testing, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water Pollution Control, Cleveland Public Power and Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 38290)

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.

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

Ord. No. 1741-01.**By Councilmen O'Malley and Patman (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair computer, network equipment and peripherals, for the Divisions of Water and Cleveland Public Power, Department of Public Utilities, for a period not to exceed 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain and repair computer, network equipment and peripherals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 102109)

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.

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

Ord. No. 1742-01.**By Councilmen O'Malley and Patman (by departmental request).**

An emergency ordinance authorizing the purchase by requirement contract of the disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, for a period not to exceed 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the require-

ments for the period of two years of the necessary items of the disposal of debris at landfills, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 102101)

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.

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

Ord. No. 1743-01.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental of laundry and work clothing, for the various divisions of City government, for a period not to exceed 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 Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of the rental of laundry and work clothing, in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable

by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 43045)

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.

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

Ord. No. 1744-01.
By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for the maintenance of City of Cleveland telephones, products and ancillary equipment, for the 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 the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary for the maintenance of City of Cleveland telephones, products and ancillary equipment, in the approximate amount as purchased during the preceding term, with two (2) options exercisable by the Director of Finance, to renew for an additional one-year consecutive term, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall

certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 39912)

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.

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

Ord. No. 1745-01.
By Councilmen Patmon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with the Glenville Development Corporation to provide financial assistance in the form of a grant to partially finance the construction of an exterior monument wall and to make necessary site improvements near the northeast corner of St. Clair Avenue and East 105th Street.

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 hereby authorized to enter into contract with the Glenville Development Corporation to provide financial assistance in the form of a grant to partially finance the construction of an exterior monument wall and to make necessary site improvements near the northeast corner of St. Clair Avenue and East 105th Street.

Section 2. That the costs of said contract shall not exceed Seventy-Five Thousand Dollars (\$75,000), and shall be paid from Fund No. 17 SF 652, Request No. 103502.

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.

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

Ord. No. 1746-01.
By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of aviation fuel and hangar space for aircraft, for the Division of Police, Department of Public Safety, 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 Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of aviation fuel and hangar space for police aircraft in the approximate amount as purchased during the preceding year, with four (4) options exercisable by the Director of Public Safety, to renew for additional one-year consecutive terms, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 37607)

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.

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

Ord. No. 1747-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance to amend Sections 1 and 8 of Ordinance No. 1748-99, passed April 17, 2000, relating to the public improvement of installing flooring at Halloran Park.

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

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

Section 1. That Sections 1 and 8 of Ordinance No. 1748-99, passed April 17, 2000, are hereby amended to read, respectively, as follows:

Section 1. The public improvements authorized in all of the sec-

tions herein shall include improvements to the following City-owned parks and recreation facilities total expenditures not to exceed the amount authorized herein:

Halloran Park for flooring	\$54,000.00
Cudell Recreation Center for wiring	12,000.00
Cudell Recreation Center for locker Rooms	6,000.00
Clark Recreation Center for interior Windows	10,000.00
Clark Recreation Center for gutters	10,000.00
Rockefeller Park Phase VI	268,000.00
Rockefeller Park Greenhouse	175,000.00
Parks in the 11 Odd Wards	2,750,000.00
Kovacic, Glenville, Sterling, Central, Cory, Lonnie Burten, Clark and Zone Recreation Centers for pool Steps	12,000.00
Thurgood Marshall Recreation Center and Sterling Recreation Center for new Lockers	50,000.00
Lonnie Burten Recreation Center for Lobby furniture	15,000.00
Hough Multipurpose Center for replacement of 2 HVAC Units	78,000.00
Gunning Park Recreation Center Phase II Improvements	118,000.00

Section 8. That the costs of the improvements, professional services rentals and purchases herein authorized shall be paid from Fund Nos. 10 SF 166, 11 SF 006, 20 SF 313, 20 SF 323, 20 SF 330, 20 SF 343, 20 SF 354, and 20 SF 361, Request No. 5027.

Section 2. That existing Sections 1 and 8 of Ordinance No. 1748-99, passed April 17, 2000, are hereby repealed.

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

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

Ord. No. 1748-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of equipment and maintenance of lighting control systems at Willard Garage, including removal and proper disposal, if necessary, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, for a period not to exceed 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of equipment and maintenance of lighting control systems at Willard Garage, including removal and proper disposal, if necessary, in the estimated sum of \$40,000 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Parking Facilities, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105501)

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.

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

Ord. No. 1749-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 1075-01, passed August 2001, relating to a grant from the State of Ohio, Department of Natural Resources for the Round 8 NatureWorks Program and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such 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 title, and Sections 2 and 3 of Ordinance No. 1075-01, passed August 15, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the State of Ohio, Department of Natural Resources for the Round 8 Nature-

Works Program; determining the method of making the public improvement of rehabilitating **Walter A. Burks park** and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

Section 2. That the project description for said grant, File No. 1075-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide twenty-five percent (25%) of the total project cost from Fund No. **14 SF 027**.

Section 3. That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating **Walter A. Burks park** for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the existing title, and Sections 2 and 3 of Ordinance No. 1075-01, passed August 15, 2001, are hereby repealed.

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

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

Ord. No. 1750-01.

By Councilmen Westbrook, Jackson, Cimperman and Patmon (by departmental request).

An emergency ordinance to amend the title, the third whereas clause, and Sections 2, 3 and 10 of Ordinance No. 1976-99, passed December 13, 1999, relating to the sale of City-owned property at 2201 West 93rd Street for development of the former West Technical High School for development and authorizing a Neighborhood Development Investment Fund contract and a project agreement therefor.

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

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

Section 1. That the title, the third whereas clause, and Sections 2, 3 and 10 of Ordinance No. 1976-99, passed December 13, 1999, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 2201 West 93rd Street to **WTech, LP** for the development of housing; authorizing the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund contract with **WTech, LP** to provide economic development assistance to partially finance the renovation of the former West Tech-

nical High School for rental housing located at 2201 West 93rd Street, Cleveland, Ohio; authorizing the Director of Community Development to enter into a project agreement with **WTech, LP** for the acquisition, clearance and redevelopment of certain lands located at 2201 West 93rd Street.

Whereas, **WTech, LP**, has submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving the purposes of elimination and prevention of blighting influence at 2201 West 93rd Street; and

Section 2. That subject to the provisions of Section 9 of this ordinance, the Directors of Economic Development and Community Development are hereby authorized to enter into a Neighborhood Development Investment Fund contract with **WTech, LP ("Redeveloper")** to provide for the economic development assistance to partially finance the renovation of the former West Technical High School located at 2201 West 93rd Street, Cleveland, Ohio into **approximately 189 units of market rate and affordable rental housing.**

Section 3. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary, contained in File No. **1976-99-B**.

Section 10. That notwithstanding and as an exception to the provision of Title V of the Community Development Code and Chapters 181 and 183 in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with the **Redeveloper** for the acquisition, disposition and private redevelopment for the property located at 2201 West 93rd Street, Cleveland, Ohio.

Section 2. That the existing title, the third whereas clause, and Sections 2, 3 and 10 of Ordinance No. 1976-99, passed December 13, 1999, are hereby repealed.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 1751-01.

By Councilman Jones (by request).

An emergency resolution declaring the intention to vacate a portion of The First Unnamed Alley North of Miles Avenue between East 164th Street and Lee Road.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of The First Unnamed Alley North of Miles Avenue between East 164th Street and Lee Road as hereinafter described; and

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

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

Section 1. That it hereby declares its intention to vacate portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of The First Unnamed Alley (12.00 feet wide), North of Miles Avenue S.E. (86.00 feet wide), and extending Easterly from the Easterly line of East 164th Street (60.00 feet wide), to the Westerly line of Lee Road S.E. (80.00 feet wide).

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.

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

Res. No. 1752-01.

By Councilman Melena.

An emergency resolution authorizing the Mayor to sign a dedication plat for Denison Avenue S.W. widening at the Northeast corner of West 73rd Street.

Whereas, the City of Cleveland owns the land for the Denison Avenue S.W. widening, and;

Whereas, it is required that a plat be signed by the Mayor on behalf of the City of Cleveland dedicating to public use the land for the Denison Avenue S.W. widening.

Whereas, this resolution constitutes an emergency measure in that the same provides for the preservation of public health, property and the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Mayor be and he is hereby authorized and directed on behalf of the City of Cleveland, to sign and execute a plat dedicating to public use Denison Avenue S.W. widening as shown on said plat as prepared by the Division of Engineering and Construction of the City of Cleveland.

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.

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

Res. No. 1754-01.**By Councilman Willis.**

An emergency resolution urging the reconfiguration of the Fifth and Sixth Police Districts to ensure greater police presence and response in our neighborhoods.

Whereas, the Council of the City of Cleveland is greatly concerned about the proliferation of crime throughout our neighborhoods, particularly those crimes that target our children and seniors; and

Whereas, so far this year, thirteen children, including an infant, have been killed in shootings, beatings or arson; these deaths are four more than all of last year and nearly equal the number of juveniles killed due to homicide in 1998 and 1999 combined; and

Whereas, while this Council is aware that, pursuant to the City's Charter, it is the responsibility of the Police Chief to allocate and deploy police officers throughout the city, this Council is urging the reconfiguration of the Fifth and Sixth Police Districts in order to be more responsive to the needs of the neighborhoods; and

Whereas, the proposed new Fifth District would run south along East 105th from Superior to Wade Park and east on Wade Park from East 105th to the Cleveland city limits with East Cleveland; and

Whereas, with the reconfiguration of the Fifth District, this Council would urge the creation of an additional zone in the Sixth District, to be staffed on an interim basis by reassigning one officer from each of the remaining five districts and three officers from other units until such time as additional officers can be hired by the Division of Police; and

Whereas, this Council desires to hold public hearings and town hall meetings to address safety and security issues so that we may work cooperatively with the Police Chief and our citizens in ensuring safer neighborhoods, now, therefore,

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

Section 1. That this Council proposes the reconfiguration of a new Fifth Police District that would run south along East 105th from Superior to Wade Park and east on Wade Park from East 105th to the Cleveland city limits with East Cleveland. With the reconfiguration of the Fifth District, this Council would urge the creation of an additional zone in the Sixth District, to be staffed from one officer from the remaining five districts and three officers from other units.

Section 2. That the Clerk is hereby requested to transmit a copy of this resolution to Mary Bounds, Chief of Police.

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.

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

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

Ord. No. 1755-01.**By Councilman Britt (by departmental request).**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8009 Carnegie Avenue and 2072 East 81st Street to East-West Properties.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commission of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-14-019 and 119-14-020, as more fully described below, to East-West Properties.

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

P. P. No. 119-14-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southeastern part of Sublot No. 16 in Scott and van Tin's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 13 of Maps, Page 12 of Cuyahoga County Records, bounded and described as follows:

Beginning at the Southeastern corner of Carnegie Avenue, S.E., and the Westerly line of East 81st Street; thence Northerly along the Westerly line of East 81st Street 25-31/100 feet to a point 28 feet Southerly measured along said Westerly line of East 81st Street from the Northerly line of said Sublot No. 16; thence Westerly on a line parallel with said Northerly line and distant 28 feet therefrom about 133-20/100 feet to the Easterly line of land conveyed by Leonie S. Doyle and Michael J. Doyle to Flora M. Kinner by deed dated April 1, 1898 and recorded in Volume 721, Page 1 of Cuyahoga County Records; thence Southerly along the said Easterly line of land of Flora M. Kinner to the Northerly line of Carnegie Avenue, S.E. and thence Easterly along said Northerly line of Carnegie Avenue, S.E., 133-52/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 119-14-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 16 in Scott and Vantine's Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 13 of Maps, Page 12 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of East 81st Street (formerly Hilburn Avenue), at its point of intersection with the Northerly line of Carnegie Avenue, S.E. (formerly East Prospect Street), thence Northerly along said Westerly line of East 91st Street, 53-31/100 feet to the Northeastern corner of said Sublot No. 16; thence Westerly along said Northerly line of Sublot No. 16, 133 feet to the Northeastern corner of the first parcel of land so conveyed to Lizzie W. Parsons by deed dated August 26, 1905, and recorded in Volume 999, Page 36 of Cuyahoga County Records; thence Southerly along the Easterly line of the first parcel of land conveyed to Lizzie W. Parsons, 28 feet to the Northerly line of land conveyed to Clifford Lee Briggs by deed dated February 12, 1903, and recorded in Volume 870, Page 383 of Cuyahoga County Records; thence Easterly parallel with the Northerly line of Carnegie Avenue S.E., 133 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

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

Ord. No. 1756-01.

By Councilman Cimperman.
An emergency ordinance amending Ordinance No. 181-01, passed February 5, 2001, relating to a program with Historic Gateway Neighborhood Corporation through use of Ward 13 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 181-01, passed February 5, 2001, are hereby amended to read respectively as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Historic Gateway Neighborhood Corporation to provide funding for a neighborhood ombudsman program for the residents of Cleveland through use of Ward 13 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Historic Gateway Neighborhood Corporation to provide funding for a neighborhood ombudsman program for the residents of Cleveland through use of Ward 13 Neighborhood Equity Funds.

Section 2. That the Title and existing Section 1 of Ordinance No. 181-01, passed February 5, 2001, are hereby repealed.

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

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

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

Ord. No. 1757-01.

By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Cruising for the Critters Walk on September 30, 2001, sponsored by The Animal Foundation of Cleveland and Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruising for the Critters Walk, sponsored by The Animal Foundation of Cleveland

and Hermes Race Systems, on September 30, 2001, with the walk beginning at Abbey to West 11th Street to Kenilworth to West 14th Street to Starkweather to West 11th Street to Literary to West 3rd Street to Commercial to West 3rd Street to Literary, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1758-01.

By Councilman Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Junior Achievement Tremont Trot on October 14, 2001, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Junior Achievement Tremont Trot, sponsored by Hermes Race Systems, on October 14, 2001, with the trot beginning at West 11th Street and Kenilworth at Lincoln Park, go down West 11th to Starkweather, Starkweather to West 14th Street, West 14th Street to Kenilworth, Kenilworth to Scranton to the end of the street (dead end) at West 3rd Street, turn around go back down Scranton to Train Avenue, Train Avenue to Willy, Willy to Kenilworth to the finish at Kenilworth and West 11th Street at Lincoln Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1759-01.

By Councilman Coats.
An emergency ordinance consenting and approving the issuance of a permit for the Collinwood Bike-A-Thon on September 1, 2001, sponsored by Ward 10 Community Festival Community.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Collinwood Bike-A-Thon, sponsored by Ward 10 Community Festival Community, on September 1, 2001, with the bike-a-thon parade route leaving St. Joseph Church, 966 East 146 Street, north on East 146 Street, west on Aspinwall and East 140 Street, north on East 140 Street, west on Eaglesmere Avenue, north on East 136 Street, east on Darley Avenue, north on East 140 Street, west on Westropp Avenue, north on East 149 Street, east on Ridpath, stop at St. Jerome Church, 15000 Lakeshore (Water-rear entrance), south on East 152 Street, south on Ivanhoe Road, east Kipling, stop at Holy Redeemer, 15220 Kipling (water), east on Kipling, south on Wayside, east on Euclid Avenue, north on Avalon Road and end at Duggan Playground, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1760-01.**By Councilman Dolan.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Bethany English Lutheran Church to stretch banners at four locations on Triskett Road between West Park Road and Rockport Avenue (pole nos. 10576, 10575, 538788, and a pole in front of 15500 Triskett Road with no number), for the period from September 11, 2001 to October 11, 2001, inclusive, publicizing the Church's Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Bethany English Lutheran Church to install, maintain and remove banners on Triskett Road between West Park Road and Rockport Avenue (pole nos. 10576, 10575, 538788, and a pole in front of 15500 Triskett Road with no number), for the period from September 11, 2001 to October 11, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1761-01.**By Councilman Gordon.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Senior Citizen Resources Inc. for a Senior Hot Meal Program over a three-year period through the use of Ward 15 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Senior Citizen Resources Inc. to provide a Senior Hot Meal Program over a three-year period, for

the public purpose of providing meals to senior citizens in Ward 15, through the use of Ward 15 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$65,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1762-01.**By Councilman O'Malley.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Leo's Church to stretch a banner at 4900 Broadview Road, for the period from October 1, 2001 to October 31, 2001, inclusive, publicizing the October Festival at St. Leo's Church.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to St. Leo's Church to install, maintain and remove a banner at 4900 Broadview Road, for the period from October 1, 2001 to October 31, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1763-01.**By Councilman Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into a requirement contract with Miami Systems Corporation for data processing, printing and mailing services of jury summons forms, for a period of one year with a one year option 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 it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Miami Systems Corporation. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court is authorized to make a written requirement contract with Miami Systems Corporation for data processing, printing and mailing services of jury summons forms for the Cleveland Municipal Court, for a period of one year commencing upon execution of a contract, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days written notice by said director.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 101107)

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

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

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

Ord. No. 1764-01.**By Councilman Polensek.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Salvation Army for G.E.D. Class through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Salvation Army for the public purpose of providing G.E.D. Classes for Cleveland residents preparing to take their G.E.D. exams,

through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$7,200 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1765-01.

By Councilmen Polensek and Coats (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Second Growth Institute to provide financial assistance in the form of a grant to partially finance the predevelopment costs of property located in Collinwood for an industrial park.

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 hereby authorized to enter into contract with Second Growth Institute to provide financial assistance in the form of a grant to partially finance the predevelopment costs of a 40-acre parcel which is bordered by Ivanhoe Road, East 152nd Street and the Norfolk Southern railroad tracks in the southwest corner of Collinwood for an industrial park.

Section 2. That the costs of said contract shall not exceed Forty-one Thousand Two Hundred Fifty Dollars (\$41,250.00), and shall be paid from Fund No. 17 SF 652, Request No. 103501.

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

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

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

Ord. No. 1766-01.

By Councilman Reed.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cleveland Community Building Initiative for Cutting Edge Program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Cleveland Community Building Initiative for the Cutting Edge Program for the public purpose of providing a training program for youths who are at risk of being involved in the Juvenile Court system, through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$80,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 1767-01.

By Councilman Reed.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Pleasant Merchants Association to stretch banners at East 142nd Street and Kinsman Avenue, East 143rd Street and Kinsman Avenue, East 118th Street and Kinsman and East 113th Street and Kinsman Avenue, for the period from September 10, 2001 to September 17, 2001, inclusive, publicizing Ward 3 Career Day.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Mt. Pleasant Merchants Association to install, maintain and remove banners on the corner of East 142nd Street and Kinsman Avenue, East 143rd Street and Kinsman Avenue, East 118th Street and Kinsman and East 113th Street and Kinsman Avenue, for the period from September 10, 2001 to September 17, 2001, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained

prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Council Member Cimperman left the meeting.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1768-01.

By Councilman Gordon.

An emergency resolution objecting to the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to 2317 Denison Avenue, 1st Fl. Front & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to Permit No. 2066429, Denison Executive Club Inc., DBA Denison Club, 2317 Denison Avenue, 1st Fl. Front & Bsmt., Cleveland, Ohio 44109; 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 stock transfer of a D2, D2X, D3 and D3A Liquor Permit to Permit No. 2066426, Denison Executive Club Inc., DBA Denison Club, 2317 Denison Avenue, 1st Fl. Front & Bsmt., Cleveland, Ohio 44109 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 passage.

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

Not answering Roll Call: Council Member Cimperman.

Res. No. 1769-01.
By Councilman Melena.
An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 9504-06 Detroit Avenue & Bsmt., and repealing Res. No. 1326-99 objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 9504-06 Detroit Avenue & Bsmt. by Res. No. 1326-99 adopted by Council on July 14, 1999; 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 the renewal of D5 and D6 Liquor Permit to 9504-06 Detroit Avenue & Bsmt., be and the same is hereby withdrawn and Res. No. 1326-99, containing said 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 passage.

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

Not answering Roll Call: Council Member Cimperman.

Res. No. 1770-01.
By Councilman Westbrook.
An emergency resolution objecting to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to 10412 Madison Ave., 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 2455453, 801 Literary Corp., DBA Bens Place, 10412 Madison Ave., 1st Fl., Cleveland, Ohio 44102; 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 stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 2455453, 801 Literary Corp., DBA Bens Place, 10412 Madison Ave., 1st Fl., Cleveland, Ohio 44102 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 passage.

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

Not answering Roll Call: Council Member Cimperman.

Res. No. 1771-01.
By Councilmen Westbrook and Cimperman.

An emergency resolution declaring September 14, 2001 "Literacy Day" in the City of Cleveland and commending literacy organizations throughout the city for their ongoing efforts to create a community of readers.

Whereas, the ability to read is recognized as one of the primary building blocks of a happy and successful life; and a love of reading can enrich one's life by providing the mind with countless new vistas and ideas; and

Whereas, the month of September has been designated National Literacy Month, providing an opportunity for all concerned citizens to reflect on the state of literacy in the City of Cleveland; and

Whereas, the Plain Dealer recently reported that 66% of Cleveland fourth graders and 40% of fourth graders statewide would have been held back this year if they had been forced to meet the state's "reading guarantee," and in Cuyahoga County alone, 18 out of 31 school districts showed a decline in reading scores; and

Whereas, this problem is complicated by the lack of literacy skills reflected among Cleveland residents; for example, 41% of adults in Cleveland do not have a high school diploma, and only one in three ninth-graders graduate; and

Whereas, low literacy rates impact crime rates, with 85% of all juvenile offenders exhibiting reading deficiencies; and

Whereas, the above challenges can be met only through a concerted and focused effort within the Greater Cleveland community, as demonstrated by the Cleveland Reads coalition of literacy organizations, with programs at over 200 sites throughout the city; and

Whereas, such coalitions unite local efforts, and by working beyond the boundaries of any one institution, strengthen and enhance direct literacy services through the provision of research and development, advocacy, and network building; now, therefore,

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 the Council of the City of Cleveland recognizes September 14, 2001 as "Literacy Day" in the City of Cleveland, and commends Cleveland Reads and its member organizations for their ongoing work to improve the quality of life by promoting literacy efforts and community involvement.

Section 2. That this Council encourages the residents of the City to contribute their time, resources and expertise to the literacy efforts within their own neighborhoods and communities.

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 passage.

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

Not answering Roll Call: Council Member Cimperman.

Res. No. 1772-01.
By Councilmen Westbrook, Sweeney, Brady and Dolan.

An emergency resolution urging the Administration to seek federal disaster emergency relief funds through FEMA for damages incurred by the August 31, 2001 "100 year storm."

Whereas, on Friday, August 31, 2001, areas of the City of Cleveland experienced a "100 year storm," wherein at least 3 to 4 inches of rain fell within an hour, overwhelming the sewer system; and

Whereas, the 100 year storm lead to widespread flooding and property and road damage throughout several neighborhoods in the City, predominately on the west side; and

Whereas, residents need assistance in repairing their homes and replacing damaged items; and

Whereas, the Administration is urged to seek federal disaster emergency relief funds through the Federal Emergency Management Agency (FEMA) to compensate residents for the losses that they sustained during the flood; 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 Administration is urged to seek federal disaster emergency relief funds through the Federal Emergency Management Agency (FEMA) to compensate residents for the losses that they sustained during the "100 year storm" which occurred on August 31, 2001.

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 passage.

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

Not answering Roll Call: Council Member Cimperman.

Res. No. 1773-01.
By Councilman White.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 9179589, VCH Inc., 3695-97 East 131st

Street, 1st Fl. & Bsmt., Cleveland, Ohio 44120, to Permit No. 5924195, Roy E. Middlebrooks, 3695-97 East 131st Street, 1st Fl. & Bsmt., Cleveland, Ohio 44120; 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, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 9179589, VCH Inc., 3695-97 East 131st Street, 1st Fl. & Bsmt., Cleveland, Ohio 44120, to Permit No. 5924195, Roy E. Middlebrooks, 3695-97 East 131st Street, 1st Fl. & Bsmt., Cleveland, Ohio 44120, 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 hereby is 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 passage.

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

Not answering Roll Call: Council Member Cimperman.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 1364-01.

By Councilmen Sweeney, Jackson, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12602 Bennington Avenue to Kenneth W. Gibson, Jr.

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

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

Not answering Roll Call: Council Member Cimperman.

MOTION

The Council adjourned at 8:20 p.m. to meet on Monday, September 17, 2001 at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

September 5, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 5, 2001, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Absent: Director Whitlow.

Others: Myrna Branche, Commissioner, Purchases and Supplies. Lucille Ambroz, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 600-01.

By Director Clark.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 17, 2001 for Income Tax Forms (all items) for the Division of Taxation, Department of Finance, pursuant to the authority of Ordinance No. 1066-01, passed by the Council of the City of Cleveland on June 19, 2001, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patter-

son, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 601-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Grand Eagle Services, Inc. for the following: upgrade and repair of one (1) Synchronous Motor Unit E29 at Morgan Pump Station (all items) for the Division of Water, Department of Public Utilities, received on the May 17, 2001, pursuant to the authority of Ordinance No. 2107-2000, passed December 18, 2000, which on the basis of order quantities would amount to Sixty-Two Thousand Five Hundred and no/100 Dollars (\$62,500.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into contract for such items.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 602-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of T & F Systems, Inc. for the public improvement of Baldwin Waterworks Plant Gatehouse #1 emergency roof repairs (base bid items 1 - 3 including a 10% contingency allowance) for the Division of Water, Department of Public Utilities, received on July 11, 2001, pursuant to the authority of Ordinance No. 819-2000, passed October 9, 2000, for a gross price for the improvement in the aggregate amount of Fifty-Two Thousand Five Hundred Twenty-Five Dollars (\$52,525.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by D & M Painting Corporation, for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR WORK

Faison & Pinson
(MBE) \$7,400.00 (14%)

Burkshire Construction
(FBE) \$2,400.00 (5%)

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 603-01.

By Acting Director Brown.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Nerone & Sons, Inc. for the public improvement of constructing & installing replacement sewer & rehabilitating & repairing

sewers at various locations, Base Bid Items 400, 603, 604, 608, 609, 659 and Special including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on July 26, 2001 pursuant to the authority of Ordinance No. 653-01 passed on June 11, 2001, 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 said bid, which on the basis of the estimated work to be done would amount to Four Hundred Ninety-Nine Thousand and 00/100 Dollars (\$499,730.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby requested to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 106018

which shall be certified against such contract in the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00).

Said 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 said requirement contract, whether the same shall be less than the total estimate of work to be performed under said 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 Nerone & Sons, Inc. for the contract authorized herein is approved:

**SUBCONTRACTOR
MBE — WORK**

Collinwood Concrete
FBE — \$25,000.00/5%

Cook Paving
MBE — \$25,000.00/5%

Lito Trucking
MBE — \$25,000.00/5%

Steward Supply
MBE — \$125,000.00/25%

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 604-01.

By Acting Director Brown.

Resolved by the Board of Control of the City of Cleveland that the bid of Energy Mechanical Corp., Inc. for the following: labor and material to supply and install one (1) heating boiler, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 26th day of June 2001, pursuant to the authority of Ordinance No. 821-2000, passed June 19, 2000, which on the basis of the order quantity would amount to \$92,500.00 (2%, 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 605-01.

By Acting Director Brown.

Resolved by the Board of Control of the City of Cleveland that the bid of Marsh USA, Inc. for the following: Fire, Boiler, Machinery and Extended Insurance, item nos. 1 and 2, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 9th day of August 2001, pursuant to the authority of Ordinance No. 1946-98, passed December 14, 1998, which on the basis of the order quantity would amount to \$134,746.00 (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Be it further resolved that the employment of the following subcontractor to Marsh USA, Inc. is hereby approved:

**SUB-CONTRACTOR
WORK**

Pinkney-Perry Insurance
\$10,000.00 — (MBE) — 8%

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 606-01.

By Director Sheperd.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hi-Lite Markings, Inc. for labor and materials necessary to remove rubber from paved surfaces, Item No. 1 for the 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 24th of May, 2001, pursuant to the authority of Ordinance No. 1576-2000, passed on February 12, 2001, which on the basis of the estimated quantity would amount to Fifty Two Thousand Seven Hundred and 00/100 Dollars (\$52,700.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following: Requisition No. 35966

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

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such labor and materials, whether more or less than said estimated quantity, but shall not exceed Seventy Nine Thousand Five Hundred and 00/100 Dollars (\$79,500.00) as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 607-01.

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on March 14, 2001 for repair heating boilers at Glenville Recreation for the Division of Property Management, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 845-2000, passed by the Council of the City of Cleveland on June 12, 2000, be and the same are hereby rejected.

Yeas: None.

Nays: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Absent: Director Whitlow.

Resolution No. 608-01.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76, passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 007-07-019 located at 2307 West 38th Street in Ward 14; 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, Juan Sanchez and Yolanda Sanchez, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Codes; 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 authorized to execute an Official Deed for and on behalf of the City of Cleveland with Juan Sanchez and Yolanda Sanchez for the sale and development of Permanent Parcel No. 007-07-019 located at 2307 West 38th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby deter-

mined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

Resolution No. 609-01.

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 478-98, passed by Cleveland City Council June 1, 1998, and Resolution No. 561-98, adopted August 4, 1998, Resolution No. 82-99, adopted February 17, 1999, and Resolution 71-00, adopted February 2, 2000, the Director of Economic Development entered into City Contract No. 53577 with WTW Architects ("Consultant") for professional services necessary to make site improvements necessary to develop Cleveland Enterprise Park; and

Whereas, the City has determined to modify the scope of work to include additional services related to the Cleveland Enterprise Park Master Plan; and

Whereas, Consultant presented a proposal dated August 25, 2000 to perform such additional services, which said additional-services proposal the City finds acceptable; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Economic Development is authorized to enter into a Third Amendment to the agreement with WTW Architects, City Contract No. 53577, based on its additional-services proposal dated August 25, 2000 to provide additional services related to the Cleveland Enterprise Park Master Plan. The compensation for additional services authorized hereby shall not exceed Thirty-three Thousand, Five Hundred Seventy Three Dollars (\$33,573.00), thereby increasing the total contract to an amount not to exceed \$486,224.00.

Be it further resolved that all other terms and provisions of City Contract No. 53577 not expressly modified hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Acting Director H. Smith, Directors Miller, Hudecek, Patterson, Warren and Acting Director L. Smith.

Nays: None.

Absent: Director Whitlow.

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.

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 24, 2001

9:30 A.M.

Calendar No. 01-213: 4063 West 161st Street (Ward 21)

Peter J. Wagner, owner, appeals to change the use of an existing approximate 23' x 53' one-dwelling unit house situated on a 40' x 120' parcel into a two-dwelling unit house located in a One-Family District on the east side of West 161st Street at 4036 West 161st Street; said change of use being contrary to the Residential District Requirements where 2 dwellings units are not permitted in a One-Family District as stated in Section 337.02 of the Codified Ordinances.

Calendar No. 01-214: 1143 East 72nd Street (Ward 13)

Clarence Freeman, owner, appeals to construct a 7' x 7' open one-story wood frame deck to the front of an existing 1 1/2 dwelling house, all situated on a 30' x 90' parcel and located in a Two-Family District on the east side of East 72nd Street at 1143 East 72nd Street; said construction being contrary to the Yards and Courts Requirements where a 7' projection is proposed and open porches shall not project more than 6' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 01-215: 3404 West 122nd Street (Ward 19)

Daniel T. Vegh, owner, appeals to create a 40' x 105' parcel into a parking lot for 8 parking spaces all located in a One-Family District on the west side of West 122nd Street at 3404 West 122nd Street; said parking being contrary to the Residential District Requirements of Section 337.03 where Off-Street Parking is not permitted in a Two Family District but first permitted in a General Retail Business District as stated in the Business District Regulations of Section 343.11(b)(2)(I)(3) and contrary to the Off-Street Parking and Loading Requirements of Section 349.13 where parking lots in a Residential District requires the Board of Zoning Appeals approval and contrary to the Landscaping and Screening Requirements where no transition strips are proposed and a 10' wide transition strip is required along all sides abutting the Residential District as stated in Section 352.09 of the Codified Ordinances.

Calendar No. 01-216: 3409 West 123rd Street (Ward 19)

Daniel T. Vegh, owner, appeals to create a 35' x 105' parcel into a parking lot located in a One-Family District on the east side of West 123rd Street at 3409 West 123rd Street; said parking being contrary to the Residential District Requirements of Section 337.03 where Off-Street Parking is not permitted in a Two-Family District but first permitted in a General Retail Business District as stated in the Business District Regulations of Section 343.11(b)(2)(I)(3) and contrary to the Off-Street Parking and Loading Requirements of Section 349.13 where parking lots in a Residential District requires the Board of Zoning Appeals approval and contrary to the Landscaping and Screening Requirements where no transition strips are proposed and a 10' wide transition strip is required along all sides abutting the Residential District as stated in Section 352.09 of the Codified Ordinances.

Calendar No. 01-218: 9016 Buckeye Road (Ward 4)

St. Elizabeth Church, owners, and Borchert Fence Co., agent, c/o Nancy Borchert, appeals to install approximately 130 linear feet of 6' high white steel ornamental fencing to the southwesterly corner of an acreage located in a General Retail Business District on the south east corner of East 90th Street and Buckeye Road at 9016 Buckeye Road; said installation being contrary to the Fence Regulations where in non-residential Districts Off-Street Parking and Loading Requirements of Section 349.07(a)(b) where a 6' high fence is proposed and the maximum height of fencing permitted in the front yard and side street yard is 4' as stated in Section 385.05(a)(2) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 10, 2001

At the meeting of the Board of Zoning Appeals on Monday, September 10, 2001, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 01-195: 14700 Lorain Avenue
Richard Greenfield and Jerald Schnedier, owners, d.b.a. Veterans of Foreign Wars of the U.S. appeals to construct a 68' x 130' one-story masonry building and a 102 car accessory parking lot.

Calendar No. 01-196: 14901 Lorain Avenue
Kmart Corporation appeals to expand an existing one-story masonry building by adding approximately 65,586 sq. ft.

Calendar No. 01-198: 685 East 160th Street

Floyd T. Owens appeals to install a 4' high chain-link fence in the actual side street yard to the south in a Two Family District.

Calendar No. 01-240: 14805 St. Clair Avenue

Ronald Burrell appeals to change the use of an existing one story retail building into a daycare facility.

Calendar No. 01-151: 8301 Detroit Avenue

Bridgeway, Inc., owner appeal to construct 2 one story multi-family buildings, one with 6 apartments units, and the other with 4 apartments.

Calendar No. 01-183: 15424 Puritas Avenue

Allan Hochschild, owner appeals to change the use of an existing approximate one-story service station building to an auto repair garage all situated on a corner parcel in General Retail.

The following appeal was **Denied**:

Calendar No. 01-199: 10019 Cliff Drive
Andrew William Gallagher, appeals to construct a colonnade between an existing 2 1/2 story one-family dwelling house and add a second floor recreation room to an existing garage.

The following appeal was **Withdrawn**:

Calendar No. 01-201: 4237 St. Clair Avenue

Judy K. Zamlen-Spotts appeals to change the use of an existing 3 story medical office building into offices on the first floor and apartment use on the second and third floors.

The following appeal was **Dismissed**:

Calendar No. 01-197: 1405 Cayuga Court

Ioan Muscutariu, appeals to construct a one story masonry accessory garage attached to an existing 2 story frame dwelling house in a Two Family District.

The following appeal was **Postponed**:

Calendar No. 01-200: 4580 Warner Road postponed to October 1, 2001.

The following appeal was Reheard for Reconsideration & Sustained. Originally heard and granted on August 13, 2001.

Calendar No. 01-153: 5021 Pearl Rd.

Don Petruzzi, owner appeals to install a 56' high pole sign with a 640 sq. ft. illuminated cabinet on the west side of a parcel located in General Retail Business District.

On Monday, September 10, 2001, in Executive Session:

The following appeals were heard on Tuesday, September 4, 2001, and said decisions were approved and adopted by the Board on September 10, 2001:

The following appeals were **Approved**:

Calendar No. 01-188: 9990 Euclid Avenue

East Mt. Zion Baptist Church, owner c/o Jack Cross, appeals to construct a 2-story educational wing.

Calendar No. 01-194: 1985-2021 West 58th Street

Evergreen 58, owner c/o David Rowe, appeal to construct twenty townhouses on a parcel located in a Two-Family District on the east side of West 58th St.

Calendar No. 01-210: 4360 West 194th Street

Bill and Maureen Mountcastle, owners, appeal to construct an open porch to front of and existing house.

Calendar No. 01-126: 2615 Chatham Avenue

Bruce Hedderson, appealed to construct a Single Family Dwelling house with an attached two car garage.

Calendar No. 01-127: 2711 Chatham Avenue

Bruce Hedderson, appealed to construct a Single Family Dwelling house with an attached two car garage.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing on the KINSMAN ROAD/EAST 80TH STREET/EAST 82ND STREET COMMUNITY DEVELOPMENT PLAN

Notice is hereby given in accordance with Chapter 315 of the Codified Ordinances of the City of Cleveland that the City Planning Commission will hold a Public Hearing on Friday September 21, 2001 at 9:00 a.m. in Room 514 City Hall, 601 Lakeside Avenue, Cleveland, Ohio, for the purpose of considering the approval of the Kinsman Road/East 80th Street/East 82nd Street Community Development Plan ("the Plan"). The Plan proposes certain land acquisition activities for the eventual redevelopment of an Action Area whose boundaries coincide with those of the Plan Area. Further, the Plan proposes treatment measures to eliminate conditions of blight and deterioration found to exist throughout the combined Action Area/Plan Area.

KINSMAN ROAD/EAST 80TH STREET/EAST 82ND STREET COMMUNITY DEVELOPMENT PLAN AREA BOUNDARIES

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

Beginning on the centerline of Kinsman Road S.E. (width varies) at its intersection with the centerline of East 80th Street (60.00 feet wide);

Thence Southerly, along said centerline of East 80th Street its intersection with the centerline of Preble Avenue S.E. (50.00 feet wide);

Thence Easterly and Southeasterly, along said centerline of Preble Avenue to its intersection with the centerline of East 82nd Street (50.00 feet wide);

Thence Southerly, along said centerline of East 82nd Street to its intersection with the Southerly line of Original One Hundred Acre Lot Number 431;

Thence Easterly, along said Southerly line of Original Lot Number 431 to its intersection with the Westerly line of a parcel of land (PPN: 127-08-002), conveyed to Kinbess LLC by deed recorded in AFN 1999 121 50656 of Cuyahoga County Records;

Thence Southerly, along said Westerly line to the most Southerly corner thereof;

Thence in a general Northeasterly direction, along the Easterly line of the Kinbess LLC Parcel as aforesaid, to its intersection with the centerline of Kinsman Road S.E. as aforesaid;

Thence Northwesterly, along said centerline of Kinsman Road to the place of beginning.

The purpose of the hearing is to enable the City Planning Commission to publicly present the aforementioned elements of the proposed Plan and solicit reaction to the proposed Plan from any interested party. Documents that constitute the Plan are on file for public inspection during business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) at the Cleveland City Planning Commission offices, Room 501 City Hall, 601 Lakeside Avenue, Cleveland, Ohio.

Any person or organization desiring to be heard at said public hearing will be afforded an opportunity to be heard.

ROBERT N. BROWN
Acting Director
City Planning Commission

September 5, 2001 and September 12, 2001

NOTICE OF PUBLIC HEARING

Notice of Public Hearing
By the Council Committee
On City Planning

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, September 19, 2001
1:00 P.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, September 19, 2001, at 1:00 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1084-01.

By Councilman Sweeney.
An ordinance to change the Use and Area Districts of lands on the north side of Brookpark Road, S.W., the west side of Grayton Road, S.W., east of Rocky River and south of I-480. (Map Change No. 2032, Sheet No. 13)

Ord. No. 1367-01.

By Councilman Melena.
An ordinance to change the Use District of lands bounded by West 58 Street, Aspen Court, N.W. and south of Side Avenue, N.W. (Map Change No. 2034, Sheet No. 1)

Ord. No. 1368-01.

By Councilman Melena.
An ordinance to change the Use District of lands located on the northeast corner of West 57 Street and Bridge Avenue, N.W. (Map Change No. 2035, Sheet No. 1)

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

September 12, 2001 and September 19, 2001.

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, SEPTEMBER 19, 2001

Cultural Gardens Park Station Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties.
THERE WILL BE A \$25.00 REFUNDABLE DEPOSIT IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

Police Motorcycle Repair and Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 364-01, passed by the Council of the City of Cleveland, April 19, 2001.

September 5, 2001 and September 12, 2001

THURSDAY, SEPTEMBER 20, 2001

Prisoner Meals, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1163-01, passed by the Council of the City of Cleveland, June 19, 2001.

One (1) Cab/Chassis with Tire Repair Service Truck, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-01, passed by the Council of the City of Cleveland, June 19, 2001.

September 5, 2001 and September 12, 2001

FRIDAY, SEPTEMBER 21, 2001

Paper and Cloth Wipers, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 490-01, passed by the Council of the City of Cleveland, April 19, 2001.

One (1) Ambulance, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1685-2000 and 99-01, passed by the Council of the City of Cleveland, October 30, 2000 and January 25, 2001, respectively.

One (1) Hammer Truck Flatbed Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-01, passed by the Council of the City of Cleveland, June 19, 2001.

September 5, 2001 and September 12, 2001

WEDNESDAY, SEPTEMBER 26, 2001

Department of Public Safety Roof Rehabilitation 2001, for the Department of Public Safety.

THERE WILL BE A REFUNDABLE DEPOSIT OF \$50.00 IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A PRE-BID MEETING ON TUESDAY, SEPTEMBER 18, 2001 AT 10:00 A.M. AT FIRE STATION NO. 7, 3636 WOODLAND AVENUE, CLEVELAND, OHIO.

September 5, 2001 and September 12, 2001

FRIDAY, SEPTEMBER 28, 2001

Five (5) Each of Equipment and Accessories to Outfit Vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-01, passed by the Council of the City of Cleveland, June 19, 2001.

One (1) Cab/Chassis with Flat Bed Body/Cable Reel Handler/Winch One (1) Cable Reel Handler Extension Trailer, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-01, passed by the Council of the City of Cleveland, June 19, 2001.

September 5, 2001 and September 12, 2001

FRIDAY, OCTOBER 5, 2001

Defective Pole Replacement, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1387-2000, passed by the Council of the City of Cleveland, November 13, 2000.

THERE WILL BE A MANDATORY PRE-BID MEETING ON TUESDAY, SEPTEMBER 25, 2001 AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO.

September 5, 2001 and September 12, 2001

WEDNESDAY, SEPTEMBER 26, 2001

Re-Bid of Furniture for Third District, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 927-2000, passed by the Council of the City of Cleveland, June 19, 2001.

Re-Bid of One Three-Horse Trailer and Two Two-Horse Trailers, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1656-99, passed by the Council of the City of Cleveland, December 14, 1999.

Miscellaneous Test Equipment, Training and Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 715-01, passed by the Council of the City of Cleveland, May 21, 2001.

THERE IS A MANDATORY PRE-BID MEETING ON THURSDAY, SEPTEMBER 20, 2001 AT 10:00 A.M., AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

2002 Criminal and Civil Filing System, for the Division of Finance on behalf of the Cleveland Municipal Court, as authorized by Ordinance No. 717-01, passed by the Council of the City of Cleveland, May 21, 2001.

September 12, 2001 and September 19, 2001

THURSDAY, SEPTEMBER 27, 2001

Lee Road Area-Phase I Sewer Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2097-2000.

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

THERE WILL BE A PRE-BID MEETING AT 10:00 A.M. ON SEPTEMBER 20, 2001 AT WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

One (1) Fire Apparatus Cab Replacement, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1685-2000 and 99-01, passed by the Council of the City of Cleveland, October 30, 2000 and January 22, 2001, respectively.

September 12, 2001 and September 19, 2001

FRIDAY, SEPTEMBER 28, 2001

Income Tax Forms, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 1066-01, passed by the Council of the City of Cleveland, June 19, 2001.

September 12, 2001 and September 19, 2001

WEDNESDAY, OCTOBER 3, 2001

Re-Bid Elevator Maintenance and Repair Services Contract, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 1683-2000.

September 12, 2001 and September 19, 2001

THURSDAY, OCTOBER 4, 2001

Melbourne Area Sewer Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 820-01.

THERE IS A REFUNDABLE FEE OF FIFTY (\$50.00) DOLLARS IN THE FORM OF A CASHIER'S CHECK AND / OR MONEY ORDER.

Alterations and Improvements to City of Cleveland, Department of Public Service and District Service Centers, Department of Public Service, as authorized by Ordinance No. 2204-2000.

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

THERE WILL BE A MANDATORY PRE-BID MEETING AT 10:00 A.M. ON THURSDAY, SEPTEMBER 20, 2001 AT EAST 65TH STREET DISTRICT SERVICE CENTER, EAST 65TH STREET AND CENTRAL AVENUE, CLEVELAND, OHIO.

Purchase of 12 and 2.4 KV Transformers, for the Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances.

THERE WILL BE A MANDATORY PRE-BID MEETING AT 10:00 A.M. ON TUESDAY, OCTOBER 9, 2001 AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 12, 2001 and September 19, 2001

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1606-01.

By Councilman Gordon.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 3912 Archwood, 1st Fl., and repealing Res. No. 1445-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 3912 Archwood, 1st Fl. by Res. No. 1445-2000 adopted by Council on August 7, 2000; 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 the renewal of a C2 and C2X Liquor Permit to 3912 Archwood, 1st Fl., be and the same is hereby withdrawn and Res. No. 1445-2000, containing said 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 August 15, 2001.

Effective August 24, 2001.

Res. No. 1632-01.

By Councilman Polensek.

An emergency resolution objecting to the renewal of a D5 Liquor Permit at 747 East 185th Street, 1st Fl.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

Section 1. That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 3983152, owned by Horseshoe Booze & Food, Inc., 747 East 185th Street, Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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 August 15, 2001.
Effective August 24, 2001.

COUNCIL COMMITTEE MEETINGS

Monday, September 10, 2001

Mayor's Appointment Committee: 11:00 a.m. — Present: Polensek, Chairman; Brady, Cimperman, Patmon. Excused: Cintron.

Finance Committee: 2:00 p.m. — Present: Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White.

Tuesday, September 11, 2001

Community and Economic Development Committee: 9:30 a.m. — Present: Jackson, Chairman; Brady, Cimperman, Cintron, Melena, Johnson, Jones, Willis. Excused: Lewis, Vice Chairman.

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O—Ordinance; R—Resolution; F—File
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