

The City Record

Official Publication of the City of Cleveland

November the Thirteenth, Two Thousand and Two

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

Containing	PAGE
City Council	3
The Calendar	22
Board of Control	22
Civil Service	24
Board of Zoning Appeals	24
Board of Building Standards and Building Appeals	26
Public Notice	27
Public Hearings	27
City of Cleveland Bids	27
Adopted Resolutions and Ordinances	28
Committee Meetings	29
Index	29

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE

President of Council—Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	4326 Daisy Avenue	44109
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell
 Rodney Jenkins, Executive Assistant
 David M. McGuirk, Executive Assistant
 Timothy Mueller, Executive Assistant
 Craig Tame, Executive Assistant
 Henry Guzman, Director, Office of Equal Opportunity
 Margreat A. Jackson, Legislative Affairs Liaison
 Erik Janas, Inter-Governmental Affairs Officer

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 Karen E. Martinez, Law Librarian, Room 100

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
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 Street Lighting Bureau – _____, Acting Chief
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 Water – Julius Ciaccia, Jr., Commissioner
 Water Pollution Control – Darnell Brown, Commissioner

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

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

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

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 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Police – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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DIVISIONS: Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 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.
 Property Management – Tom Nagle, Commissioner, East 49th & Harvard
 Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Lorna Wisham, Director;
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BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

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

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12C
Judge Emanuela Groves	12B
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, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Kenneth Thomas – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

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WEDNESDAY, NOVEMBER 13, 2002

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CITY COUNCIL

MONDAY, NOVEMBER 11, 2002

The City Record

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VALARIE J. McCALL

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 11, 2002.

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

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

Also present were Mayor Campbell and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, Hudecek, Romero, Sims, Taylor, Wisham, Guzman and Ronaye, Acting Directors Carroll, Glending, Executive Assistants Rodney Jenkins, David McGuirk, Craig Tame, Timothy Mueller, Erik Janas, Celeste Glasgow, Director of Communications and Margreat A. Jackson, Legislative Affairs Liaison and Jeffrey D. Johnson, Special Assistant were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Timothy Eppinger of Tabernacle of Faith Church, located at 12700 Broadway Avenue. Pledge of Allegiance

MOTION

On the Motion of Council Member Westbrook, the reading of the minutes of the last meeting was dis-

pensated with and the journal approved. Seconded by Council Member Lewis.

COMMUNICATIONS

File No. 2137-02.

From the Division of Purchases and Supplies re: Mayor's Emergency Requisition/Purchase order — Re-Roofing Fire Station No. 6 (RE 115139/PO 93908). Received.

File No. 2138-02.

From the Division of Purchases and Supplies re: Mayor's Emergency Requisition/Purchase order — Repairs to Division of Fire Apparatus L-20 and L-30 (RE 127179/PO 93905). Received.

File No. 2139-02.

From the Case Western Reserve University — Annual Report 2001-2002 — Aims Achievement Anticipation. Received.

File No. 2140-02.

From the Department of Port Control — copy of Grant Agreement for Project No. 3-39-0023-6102/Noise Mitigation. Received.

File No. 2141-02.

From the Department of Port Control re: Copy of grant application for federal assistance for security enhancements and design of Taxiway improvements. Received.

File No. 2142-02.

From the City of Bedford Heights — Copy of Resolution No. 2002-128 re: opposing the Bush Administration proposal to cut many Medicare payments. Received.

File No. 2143-02.

From the City of East Cleveland — Copy of Res. No. 169-02 re: September 11th — "Safety Forces Appreciation Day". Received.

File No. 2144-02.

From the City of Lorain — Copy of Resolution No. 48-02 re: Cargill Deicing Technology. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 2145-02.

Re: New Application — 86165290005 — Stop N Save, Inc., d.b.a. Mimi Mini Market, 13501 Lakewood Heights Boulevard, first floor. (Ward 19). Received.

File No. 2146-02.

Re: New Application — 0196184 — Anderson's Barbeque, Inc., 9301 Yale Avenue. (Ward 8). Received.

File No. 2147-02.

Re: Transfer of Ownership Application — Tilak Corp., d.b.a. Denley Market, 4059 Valley Road. (Ward 15). Received.

File No. 2148-02.

Re: Transfer of Ownership Application — 7443904 — RJL Waterfront Holdings I LTD, d.b.a. Bar 1 & 2, first and second floors, patios & Boardwalk, 1148 Main Avenue, Unit 600 Trailer & Cooler. (Ward 13). Received.

File No. 2149-02.

Re: Transfer of Ownership and Location Application — 8846576 — Teri Os, Inc., 5353 Dolloff Road. (Ward 5). Received.

**STATEMENT OF WORK
ACCEPTED****File No. 2150-02.**

From the Department of Parks, Recreation and Properties re: Contract PI #59736, Alexander Graham Bell Elementary School Playground Improvements. Received.

File No. 2151-02.

From the Department of Parks, Recreation and Properties re: Contract PI #59099, Sterling Recreation Center Site Improvements. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2200-02—Henry Sienkiewicz.

Res. No. 2201-02—Dorothy J. Hesoun.

Res. No. 2202-02—Eugene Wright.
Res. No. 2203-02—Gloria Jean Rollins.

Res. No. 2204-02—Eugene Lawson, Sr.

Res. No. 2205-02 — Dr. Howard Mims.

Res. No. 2206-02—Rev. Dr. Warner C. Crayton, Sr.

Res. No. 2207-02 — Elizabeth Williams.

Res. No. 2208-02—Mrs. Cleo Lee.
Res. No. 2209-02—James A. Fasino.

Res. No. 2210-02—Marge Hudak.
Res. No. 2211-02—Ray Negron.

CONGRATULATION RESOLUTIONS

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

Res. No. 2212-02—Pastor Bobby C. Ward.

Res. No. 2213-02 — Dr. A. E. Williams.

Res. No. 2214-02—Eileen Berkes.

Res. No. 2215-02 — Genevieve Ray and Henry Shapiro.

Res. No. 2216-02—Mary S. Sanders.

Res. No. 2217-02—Women's Center of Greater Cleveland.

Res. No. 2218-02—Cleveland Church of Christ Citadel of Hope Ministries.

RECOGNITION RESOLUTIONS

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

Res. No. 2219-02 — Sgt. Frank Lee Bibb, Jr.

Res. No. 2220-02—Charles Carter.

APPRECIATION RESOLUTION

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

Res. No. 2221-02—Reverend David L. Hunter.

**FIRST READING EMERGENCY
ORDINANCES REFERRED****Ord. No. 2152-02.**

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to conduct a Citywide telephone, telecommunications network and wireless assessment and to develop a unified voice messaging system; and authorizing the Director to enter into one or more contracts for the lease or lease with option to purchase of any equipment necessary for the implementation, including installation, support services and maintenance, if necessary.

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

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

Section 1. That the Director of Finance is authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to conduct a comprehensive Citywide telephone, telecommunications network, and wireless assessment, and any related equipment and services at all critical City locations, and to develop a unified voice messaging system which integrates voice and data on a standardized Citywide network infrastructure which enhances services and ensures that adequate disaster/recovery and business continuity capabilities have been included in the upgraded telecommunications systems and support, and adds remaining selected buildings on a fiber backbone which will provide optimal service and redundancy functionality.

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

Section 2. That the Director of Finance is authorized to make one or more written contracts for the lease or lease with option to purchase, exercisable by the Director of Finance, under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for any equipment necessary to implement a Citywide telephone, telecommunications and wireless upgrade and a unified voice messaging system, including design, testing, installation, support services, and maintenance, to be procured by the Commissioner of Purchases and Supplies for a gross price for the Department of Finance. Bids shall be taken in a manner to permit an award to be made for all items as a single contract or by separate contract for each or any com-

bination of the items as the Board of Control determines.

Section 3. That the cost of the services and procurements authorized shall be paid from Fund Nos. 01-001, 81 SF 001, 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, and 60 SF 001, RL 100347.

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

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

Ord. No. 2153-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with the Ohio Auditor of State to conduct a financial audit, for the Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make a written contract with the Ohio Auditor of State to conduct a financial audit in 2003 of the City's financial operations in 2002.

Section 2. That the cost of the services contemplated shall be paid from the fund or funds appropriated for the purpose of this ordinance in budget year 2003, Request No. 100348.

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

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

Ord. No. 2154-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to amend the sections of various ordinances to include additional funding sources and authorizing the Director of Finance to modify the certificate of funds for contracts entered into under the ordinances.

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 5 of Ordinance No. 1036-99, passed June 7, 1999, is amended to read as follows:

Section 5. That the cost of the public improvement and the cost of the professional services authorized shall be paid from Fund Nos. 11 SF 401 and 20 SF 383, Request No. 4305.

Section 2. That existing Section 5 of Ordinance No. 1036-99, passed June 7, 1999, is repealed.

Section 3. That Section 2 of Ordinance No. 2189-99, passed December

15, 1999, is amended to read as follows:

Section 2. That the costs of the contract shall be in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) and shall be paid from Fund Nos. 10 SF 166 and **20 SF 382**.

Section 4. That existing Section 2 of Ordinance No. 2189-99, passed December 15, 1999, is repealed.

Section 5. That Section 3 of ordinance No. 115-2000, passed January 24, 2000, is amended to read as follows:

Section 3. That an amount not to exceed Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) for the improvement authorized shall be certified from Fund Nos. 10 SF 166 and **20 SF 382**, with other costs, if any, to be paid by funds identified by the Department of Parks, Recreation and Properties.

Section 6. That existing Section 3 of ordinance No. 115-2000, passed January 24, 2000, is repealed.

Section 7. That Section 2 of Ordinance No. 186-2000, passed February 7, 2000, is amended to read as follows:

Section 2. That the costs of the contract shall be in an amount not to exceed Thirty-Five Thousand Dollars (\$35,000) and shall be paid from Fund Nos. 10 SF 166 and **20 SF 382**.

Section 8. That existing Section 2 of Ordinance No. 186-2000, passed February 7, 2000, is repealed.

Section 9. That Section 7 of Ordinance No. 1686-2000, passed November 13, 2000, is amended to read as follows:

Section 7. That the cost of the Improvement, professional services and property acquisition contemplated shall be paid from the fund or funds to which are credited the proceeds of the grant accepted **under** this ordinance and the cash matches authorized **and from Fund No 20 SF 383**.

Section 10. That existing Section 7 of Ordinance No. 1686-2000, passed November 13, 2000, is repealed.

Section 11. That Section 4 of Ordinance No. 2111-2000, passed February 12, 2001, is amended to read as follows:

Section 4. That all costs of acquisition of land shall be paid from Fund Nos. 10 SF 166 and **20 SF 382**, Request No. 5077.

Section 12. That existing Section 4 of Ordinance No. 2111-2000, passed February 12, 2001, is repealed.

Section 13. That Section 6 of Ordinance No. 79-01, passed May 21, 2001, is amended to read as follows:

Section 6. That the cost of the public improvement and professional services authorized **by this ordinance** shall be paid from the grant proceeds accepted **under** this ordinance **and from Fund No 20 SF 382**.

Section 14. That existing Section 6 of Ordinance No. 79-01, passed May 21, 2001, is repealed.

Section 15. That Section 3 of Ordinance No. 501-01, passed June 19, 2001, is amended to read as follows:

Section 3. That an amount not to exceed Four Hundred Eighty-Eight Thousand Dollars (\$488,000) for the improvement authorized shall be paid from Fund Nos. 10 SF 166 and **20 SF 382**, Request No. 47601.

Section 16. That existing Section 3 of Ordinance No. 501-01, passed June 19, 2001, is repealed.

Section 17. That Section 3 of Ordinance No. 504-01, passed June 19, 2001, is amended to read as follows:

Section 3. That an amount not to exceed Two Hundred Nineteen Thousand and Eight-Hundred Seventy-Seven Dollars (\$219,877) for the improvement authorized shall be paid from Fund Nos. 10 SF 166 and **20 SF 382**, Request No. 5094.

Section 18. That existing Section 3 of Ordinance No. 504-01, passed June 19, 2001, is repealed.

Section 19. That Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, as amended by Ordinance Nos. 1590-2000, passed November 27, 2000, and 707-01, passed June 11, 2001, is amended to read as follows:

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 54 SF 001, **20 SF 383**, from any fund or funds to which are credited any allocations received from the Northeast Ohio Regional Sewer District to contribute to the cost of this improvement, and an amount not to exceed \$147,068.13 from Ward 21's Neighborhood Equity Funds, Fund 10 SF 166, provided that any unspent portion of the funds not needed for the project shall remain credited to Ward 21's Neighborhood Equity Fund allocation.

Section 20. That existing Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, as amended by Ordinance Nos. 1590-2000, passed November 27, 2000, and 707-01, passed June 11, 2001, is repealed.

Section 21. That Section 3 of Ordinance No. 1815-01, passed June 17, 2002, is amended to read as follows:

Section 3. That the cost of the contract shall be in an amount not to exceed \$87,250.00 and shall be paid from Fund Nos. 10 SF 166 and **20 SF 382** and/or from the fund or funds to which are credited the proceeds of the sale of general obligation bond anticipation notes or general obligation bonds issued for the purpose which includes the above improvement.

Section 22. That existing Section 3 of Ordinance No. 1815-01, passed June 17, 2002, is repealed.

Section 23. That Section 3 of Ordinance No. 1817-01, passed March 11, 2002, is amended to read as follows:

Section 3. That an amount not to exceed Twenty Four thousand Six Hundred Forty Three Dollars and Fifty Cents (\$24,643.50) for the improvement authorized shall be paid from Fund Nos. 10 SF 166 and **20 SF 382**, with the other costs, if any, to be paid by the funds as identified by the Department of Parks, Recreation and Properties, Request No. 107911.

Section 24. That existing Section 3 of Ordinance No. 1817-01, passed March 11, 2002, is repealed.

Section 25. That Section 3 of Ordinance No. 152-02, passed January 28, 2002, is amended to read as follows:

Section 3. That the cost of the contract shall be in an amount not to exceed \$40,000 and shall be paid from the Ward 2 Neighborhood Equity Fund, from Fund No. 10 SF 166 and **from Fund No 20 SF 383**.

Section 26. That existing Section 3 of Ordinance No. 152-02, passed January 28, 2002, is repealed.

Section 27. That Section 5 of Ordinance No. 474-02, passed May 20, 2002, is amended to read as follows:

Section 5. That the cost of the improvement authorized shall be paid from **Fund No 20 SF 383, and from the fund or funds to which are credited the grant proceeds accept-**

ed under this ordinance and cash from matching funds committed **pursuant** to Section 2 of this ordinance. (RL 107951)

Section 28. That existing Section 5 of Ordinance No. 474-02, passed May 20, 2002, is repealed.

Section 29. That the Director of Finance is authorized to modify the certificate of funds for any contract entered into under any of the above ordinances to reflect the new funding source for the contracts.

Section 30. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2155-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the disposal of catch basin debris, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts 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 the disposal of catch basin debris in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in the manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than 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 the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract duly certified by the Director of Finance. (RL 109289)

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

approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2156-02.

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

An emergency ordinance determining the method of making the public improvement of constructing the sanitary line and collection berm extension to the current Centralized Deicing Facility, Phase Ia, and authorizing the Director of Port Control to enter into contract for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the sanitary line and collection berm extension to the current Centralized Deicing Facility, Phase Ia, for the Department of Port Control, by contract let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of the improvement authorized shall be paid from Fund No. 60 SF 105, Request No. 118290.

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

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

Ord. No. 2157-02.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with IMG Motorsports - Cleveland, Inc. for use of certain premises at Burke Lakefront Airport to conduct the "Grand Prix" auto races, for a period not to exceed five years.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, the Director of Port Control is authorized to enter into a Lease By Way of Concession ("Lease") with IMG Motorsports - Cleveland, Inc. ("IMG") for the use and occupancy of certain portions of the airfield and facilities at Burke Lakefront Airport ("Burke") to conduct the Grand Prix auto race and related motor sport events at specified times. The Lease shall also include a provision that allows IMG the use and occupancy of the Banquet Room in the Terminal Building at Burke and the exterior parking lot of Aviation High School during the auto race and related motor sport events.

Section 2. That the Lease shall commence upon its execution, with the first race and related motor sport events beginning in 2003. Unless earlier terminated or cancelled, the Lease shall expire in 2007, when all amounts due under the Lease have been paid and when performance is completed.

Section 3. That IMG will pay the following in annual rent under the Lease:

<u>Year</u>	<u>Rent</u>
2003	\$80,000.00
2004	\$85,000.00
2005	\$90,000.00
2006	\$95,000.00
2007	\$100,000.00

In addition and annually, IMG shall pay five percent (5%) of gross revenues over the Gross Revenue Threshold of \$5,000,000.00. No performance bond shall be required for this Lease.

Section 4. That the Director of Law shall prepare the Lease which shall contain other terms and conditions as he deems necessary to benefit and protect the public interest.

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

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

Ord. No. 2158-02.

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

An emergency ordinance authorizing the purchase by contract or contracts of one spray paint booth, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland,

Ohio, 1976, for each or all of the following items: one spray paint booth, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 118289.

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

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

Ord. No. 2159-02.

By Council Member Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cuyahoga County Engineer's Office to encroach into the right-of-way of a portion of the Superior Viaduct Avenue N.W. between West 25th St. and Vermont Ave. as part of a parking lot area in the proposed Detroit/Superior Bridge Bikeway Project.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the Cuyahoga County Engineer's Office, 1370 Ontario Street, Cleveland, Ohio 44113, its successors and assigns, for the construction, use, maintenance, placement and operation of a parking lot facility that includes wearing surfaces, snow removal, drainage structures, sidewalk and landscaping and any existing encroachments which may or may not exist by Cuyahoga County, as part of the proposed Detroit/Superior Bridge Bikeway Project, which will encroach into the public right-of-way of a portion of the Superior Viaduct Avenue N.W. and between West 25th Street and Vermont Avenue N.W. and is described as follows:

PROPOSED ENCROACHMENT AREA/SUPERIOR AVENUE VIADUCT N.W. PROJECT

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

Being all that portion of Superior Viaduct Avenue N.W. (80.00 feet wide) extending Northeasterly from the Easterly line of West 25th Street (width varies) to the Southerly line of Vermont Avenue N.W. (33.00 feet wide).

Section 2. That said parking lot facility will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a Building Per-

mit, shall be obtained before said parking lot is constructed.

Section 3. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 4. That Permittee shall comply with all applicable provisions of Chapter 352, **Landscaping and Screening**, and Chapter 457, **Public Garages and Parking Lots**, of the Codified Ordinances of the Cleveland, Ohio 1976, pertaining to parking lot screening requirements and guidelines, and all other provisions applicable of any Federal, State and local laws, ordinances rules and regulations.

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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 2160-02.

By Council Member Johnson.

An emergency ordinance to vacate a portion of Kennedy Avenue and East 92nd Street hereinafter described.

Whereas, on the day of June 3, 2002, the Council of the City of Cleveland adopted Resolution No. 1163-02 declaring its intention to vacate a portion of Kennedy Avenue and East 92nd Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1163-02 has been served upon the owners of all the property abutting Kennedy Avenue and East 92nd Street affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 30th day of October, 2002, the Board of Revision of Assessments approved the vacation of Kennedy Avenue and East 92nd Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Kennedy Avenue and East 92nd Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all those portions of **KENNEDY AVENUE** (50.00 feet wide), extending Westerly from the Westerly line of East 93rd Street (60.00 feet wide) to the Northerly prolongation of the Westerly line of Sublot 122 of the Hamilton &

Wyman Allotment recorded in Volume 5 of Maps, Page 22 of Cuyahoga County Records; and **EAST 92ND STREET** (12.00 feet wide) extending Southerly from the Southerly line of Kennedy Avenue (50.00 feet wide) to the Northerly line of Cumberland Avenue (50.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland easements for existing Dominion East Ohio Gas equipment.

The description of the easement is as follows:

That portions of **KENNEDY AVENUE** (50.00 feet wide), extending Westerly from the Westerly line of East 93rd Street (60.00 feet wide) to the Northerly prolongation of the Westerly line of Sublot 122 of the Hamilton & Wyman Allotment recorded in Volume 5 of Maps, Page 22 of Cuyahoga County Records; and **EAST 92ND STREET** (12.00 feet wide) extending Southerly from the Southerly line of Kennedy Avenue (50.00 feet wide) to the Northerly line of Cumberland Avenue (50.00 feet wide).

That no structures shall be hereinafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by Dominion East Ohio Gas.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all those portions of Kennedy Avenue and East 92nd Street, herein provided by sending him a copy of this Ordinance.

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 its approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2161-02.

By Council Member Sweeney (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to F C I inc. to encroach into the right-of-way of Giles Road for ingress and egress of an employees parking lot, head-in visitor/customer parking lot, and landscaping in the unimproved area.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to FCI inc., 4661 Giles Road, Cleveland, Ohio 44135-3756, for the construction, use and maintenance of ingress and egress to an employee parking lot, and for a head-in visitor/customer parking lot, and landscaping for the unimproved area which will encroach into the public right-of-way of Giles Road S.W. (40.00 feet wide) Southerly from

Carrington Avenue S.W. (40.00 feet wide) to its Southerly terminus.

Section 2. That said parking lots and landscaping will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a building Permit, shall be obtained before said parking lots and landscaping are constructed.

Section 3. That Permittee shall comply with all applicable provisions of Chapter 352, **Landscaping and Screening**, and Chapter 457, **Public Garages and Parking Lots**, of the Codified Ordinances of Cleveland, Ohio 1976, pertaining to parking lot screening requirements and guidelines, and all other provisions applicable of any Federal, State and local laws, ordinances rules and regulations.

Section 4. That this permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 2162-02.

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

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Brom Truck, Inc. for the purchase of Crane Carrier cab and chassis parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Brom Truck, Inc. ("Brom Truck"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Brom Truck for a period not to exceed two years, for Crane Carrier cab and chassis parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127138)

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

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

**Ord. No. 2163-02.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Columbus Equipment Co. for the purchase of Blaw Knox Paver and Galion-Dresser-Komatsu construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Columbus Equipment Co. ("Columbus"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Columbus for a period not to exceed two years, for Blaw Knox Paver and Galion-Dresser-Komatsu construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127165).

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

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

**Ord. No. 2164-02.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Ohio Machinery Co. for the purchase of Barber Greene road paver and Caterpillar construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Ohio Machinery Co. ("Ohio Machinery"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Ohio Machinery for a period not to exceed two years, for Barber Greene road paver and Caterpillar construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (127164)

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

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

**Ord. No. 2165-02.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the Director of Public Services to enter into one or more requirement contracts with Southeastern Equipment Co., Inc. for the purchase of Case and Grad-All construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 it is determined that the commodities described below are non-competitive and cannot be secured from any source other than Southeastern Equipment Co., Inc. ("Southeastern"). Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Southeastern for a period not to exceed two years, for Case and Grad-All construction equipment parts, including labor when necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against such contract certified by the Director of Finance. (122239).

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. 2166-02.
By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks, and air conditioning units, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks, and air conditioning units in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Com-

missioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127166)

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

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

Ord. No. 2167-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair police motorcycles in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127137)

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

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

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

Ord. No. 2168-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair, rebuild or replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair, rebuild or replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127162)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

Ord. No. 2169-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive paint and related supplies, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of automotive paint and related supplies in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 127152)

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

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

Ord. No. 2170-02.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of tire recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of tire recapping in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. The Director of Public Service is authorized to enter into one or more contracts with a term of two (2) years instead of one (1) year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 105779)

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

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

Ord. No. 2171-02.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Federal Emergency Management Agency, for the 2003 FEMA Assistance to Firefighters, and authorizing the Director of Public Safety to enter into one or contracts necessary to implement the grant.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$628,208, from the Federal Emergency Management Agency, to conduct the 2003 FEMA Assistance to Firefighters, for the purposes in the application and according thereto; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 2171-02-A, made a part of hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$269,231, from Fund No. 11 SF 006, is approved in all respects.

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

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

Section 5. That the Director of Public Safety is authorized to enter into one or more contracts with area hospitals or health-care facilities to perform medical and follow-up medical examinations, and to perform other related medical services as identified in the application.

Section 6. That the cost of the contract or contracts authorized above shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and shall also be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2173-02.
By Council Members Britt, Conwell, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the corner of Deering Avenue and East 109th Street to University Circle, Inc.

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use and located at the corner of Deering Avenue and East 109th Street; and

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

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

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

Permanent Parcel No. 121-23-011
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 25.00 feet of Sublot Number 24 in L.M. Southern Subdivision of part of Original 100 Acre Lot Number 402, as shown by the recorded plat in Volume 8 of Maps, Page 31 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Southerly line of Deering Avenue S.E., (44 feet wide) with the Westerly line of East 109th Street, (40 feet wide);

Thence Southerly along said Westerly line of East 109th Street, said Westerly line being also the Easterly line of said Sublot Number 24, 101.00 feet to the Southeasterly corner thereof;

Thence Westerly, along the Southerly line of said Sublot Number 24, 25.00 feet to a point;

Thence Northerly, along a line parallel with the Westerly line of East 109th Street, and distant Westerly 25.00 feet at right angles therefrom, 101.00 feet to the Southerly line of Deering Avenue S.E., as first aforesaid;

Thence Easterly along said Southerly line of Deering Avenue S.E., 25.00 feet to the place of beginning be the same more or less, but subject to all legal highways and containing 2,525 sq. ft. of land.

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 University Circle, Inc. 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 on behalf of the City of Cleveland. The deed shall contain provisions including restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law which protect the parties as their respective interests require.

The deed shall also contain a specific provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

Ord. No. 2174-02.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Thames Avenue to Greater Bethel African Methodist Episcopal 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). 112-25-052, 112-25-053 and 112-25-054, as more fully described below, to Greater Bethel African Methodist Episcopal Church.

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

P. P. No. 112-25-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly one-half of Sublot No. 29 in Caroline McIlrath's Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 22 of Maps, Page 2 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Thames Avenue, N.E., (formerly Thomas Street) and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 112-25-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 1/2, front and rear, of Sublot No. 29 in Caroline McIlrath's Subdivision of part of Original Euclid Township Tract No. 16, as shown

by the recorded plat in Volume 22 of Maps, Page 2 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Thomas Street (now known as Thames Avenue, N.E.) and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to: Trust Agreement recited in Volume 93-12156, Page 24 of Cuyahoga County Records filed November 8, 1993.

P. P. No. 112-25-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in Caroline McIlrath's Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 22 of Maps, Page 2 of Cuyahoga County Records, and being 60 feet front on the Southerly side of Thames Avenue, N.E., and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 2175-02.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Superior Avenue to Temple of Deliverance 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). 120-03-011, as more fully described below, to Temple of Deliverance Baptist Church.

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

P. P. No. 120-03-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 51 and 52 in the Schatzinger and Hartwick Subdivision of part of Original One Hundred Acre Lot No. 387, as shown by the recorded plat in Volume 27 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Southerly line of Superior Avenue, N.E. with the Easterly line of East 112th Street; thence Southerly along the Easterly line of East 112th Street, 75 feet; thence Easterly and parallel with Superior Avenue, N.E., about 80 feet to the Easterly line of said Sublot No. 51; thence Northerly along said Easterly line of Sublot No. 51, 75 feet to the Southerly line of Superior Avenue, N.E., thence Westerly along said Southerly line of Superior Avenue, N.E. 80.74 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That 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. 2176-02.

By Council Members Gordon and Jackson (by departmental request). An emergency ordinance authorizing the Director of Community Development to enter into contract with KS Associates, Inc. for surveying services for the abandoned rail line from the Wheeling and Lake Erie Railway Co.

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 contract with KS Associates, Inc. for professional services necessary to provide surveying services in connection with the City's acceptance of an abandoned rail line from the Wheeling and Lake Erie Railway Co., in the total sum of \$32,150.00, payable from Fund No. 14 SF 027, Request No. 125722, for the Department of Community Development.

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

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

Ord. No. 2177-02.

By Council Member Jackson. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4493 Douse Avenue to Debra A. Liuzzo.

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). 123-19-117, as more fully described below, to Debra A. Liuzzo.

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

P. P. No. 123-19-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 27 in Thomas S. and Mary L. Douse's Subdivision of part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 8 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Northerly side of Douse Avenue, S.E., 123 feet 10-1/2 inches deep on the Easterly line, which is also along the Southwesterly line of track Road, 123 feet 4 inches deep on the Westerly line, and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

All of the above property being subject to restrictions, covenants, limitations, conditions, easements and rights of way, of record and running with the land, 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. 2178-02.

By Council Member Reed. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3307 East 123rd Street to Edward Blackshear, 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). 130-04-062, as more fully described below, to Edward Blackshear, Jr..

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

P. P. No. 130-04-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 8 feet of Sublot No. 98 and the Southerly 30 feet of Sublot No. 99 in the Crawford-Woodhill Subdivision of part of Original One Hundred Acre Lots Nos. 436, 444 and 445 as shown by the recorded plat of said Subdivision in Volume 47 of Maps, Page 12 of Cuyahoga County Records. Said parts of Sublot Nos. 98 and 99 together forming a parcel of land having a frontage of 38 feet on the Easterly side of East 123 Street, and extending back between parallel lines 140 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by

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

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

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

Ord. No. 2179-02.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9406 Union Avenue to Full Life Church of God in Christ, Inc.

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). 135-01-126, as more fully described below, to Full Life Church of God in Christ, Inc.

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

P. P. No. 135-01-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 449, bounded and described as follows:

Beginning at a point in the Southerly line of Union Avenue, S.E., 350 feet Easterly (measured along said Southerly line) from its intersection with the Easterly line of East 93rd Street (formerly Woodland Hills Avenue), said place of beginning being the Northwesterly corner of land conveyed to James F. Nejedlik by deed dated April 19, 1926, and recorded in Volume 3346,

Page 515 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed of land so conveyed to James F. Nejedlik, 100 feet to the Southwesterly corner thereof; thence Westerly parallel with the Southerly line of Union Avenue, S.E., 42 feet to a point; thence Northerly parallel with the first described course, 100 feet to the Southerly line of Union Avenue S.E.; thence Easterly along the Southerly line of Union Avenue, S.E.; thence Easterly along the Southerly line of Union Avenue, S.E., 42 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.

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

Ord. No. 2180-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with HS Processing Limited Partnership and Heidtman Steel Products, Inc. to provide for a ten year seventy-five percent abatement for certain real property improvements, personal property, and inventory as an incentive to acquire and construct a steel processing and distribution facility to be located east of the Cuyahoga River in the Cleveland Area Enterprise Zone.

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

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

Whereas, HS Processing Limited Partnership and Heidtman Steel Products, Inc. (the "Enterprise") have proposed to acquire and construct a steel processing and distribution facility to be located east of the Cuyahoga River in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that, but for abatement of real property improvements, personal property, and inventory the Enterprise would be at a competitive disadvantage by operating at this location; and

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year seventy-five percent (75%) abatement of real property improvements, personal property, and inventory as an incentive to acquire and construct a steel processing and distribution facility to be located east of the Cuyahoga River in the Cleveland Area Enterprise Zone, as outlined on the map in the file described below; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms set forth in the Summary contained in File No. 2180-02-A. The terms of the file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in

an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes set forth in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain the terms and provisions as the director deems necessary to protect the City's interest.

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

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

Ord. No. 2181-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with MidTown Technology Partners, LLC to provide economic development assistance to partially finance the acquisition, real property improvements, new construction and all other associated costs necessary to redevelop various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues, 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 authorized to enter into an Empowerment Zone Section 108 loan with MidTown Technology Partners, LLC to provide economic development assistance to partially finance the acquisition, real property improvements, new construction and all other associated costs necessary to redevelop various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues, Cleveland, Ohio (the "Improvement").

Section 2. That the Director of Economic Development is authorized to enter into a grant agreement with MidTown Technology Partners, LLC to receive Economic Development Initiative Grant funds to partially finance the Improvement.

Section 3. That the terms of the loan and grant are described in the Summary contained in File No. 2181-02-A.

Section 4. That the costs of the contract shall not exceed a loan amount of \$5,000,000 and a grant amount of \$1,250,000. The loan shall be paid from Fund No. 18 SF 001 and 18 SF 003 and the grant shall be paid from Fund No. 18 SF 003, Request No. 124003.

Section 5. That the Director of Economic Development is authorized to accept the collateral described in the Summary contained in the file referenced in this ordinance to secure repayment of the loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 6. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 18 SF 002.

Section 7. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 18 SF 004.

Section 8. That the Director of Law is authorized to prepare the contract and other documents appropriate to complete the transaction.

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

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

Ord. No. 2182-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with MidTown Technology Partners, LLC to provide for a ten year seventy-five percent tax abatement on certain real property improvements as an incentive to develop, construct and acquire various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues which are located in the Cleveland Area Enterprise Zone.

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

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

Whereas, MidTown Technology Partners, LLC (the "Enterprise") has proposed to develop, construct and acquire various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues which are located in the Cleveland Area Enterprise Zone; and

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

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year seventy-five percent (75%) tax abatement on certain real property improvements as an incentive to develop, construct and acquire various properties between East 57th Street and East 61st Street bounded by Chester and Euclid Avenues which are located in the Cleveland Area Enterprise Zone; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 2182-02-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

Section 5. That the Director of Law shall prepare and approve the agreement and that the agreement shall contain terms and provisions as the director deems necessary to protect the City's interest.

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

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

Ord. No. 2183-02.**By Council Member Brady.****An emergency ordinance designating Louis Agassiz Elementary School as a Cleveland Landmark.**

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Louis Agassiz Elementary School as a landmark; and

Whereas, a public hearing pursuant to Chapter 161.04 (b)(2) was held on October 24, 2002 to discuss the proposed designation of Louis Agassiz Elementary School as a landmark; and

Whereas, the Commission has recommended designation of Louis Agassiz Elementary School as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That Louis Agassiz Elementary School, whose street address in the City of Cleveland is 3595 Bosworth Road, S.W., also known as Cuyahoga County Auditor's Permanent Parcel Number 019-06-060, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 2184-02.**By Council Member Cimperman.****An emergency ordinance designating The Gospel Press Building as a Cleveland Landmark.**

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Gospel Press Building as a landmark; and

Whereas, the owner of the Gospel Press Building has been properly notified of the proposed designation and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Gospel Press Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That the Gospel Press Building, whose street address in the City of Cleveland is 2372 West 7th Street, S.W., also known as 710 Jefferson Avenue, S.W., also known as Cuyahoga County Auditor's Permanent Parcel Number 004-16-034, and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 2188-02.**By Council Member Dolan.****An emergency ordinance authorizing the continuation of City-provided group health and life insurance coverage, under the same terms and conditions currently in effect, and further authorizing a continuation of military leave with pay to all City employees who would otherwise lose such benefits as a result of a call to active military duty in connection with the terrorists acts that occurred in New York City and Washington, D.C. on September 11, 2001.**

Whereas, City employees have been, or may soon be called to active military service pursuant to an order by the President of the United States in connection with the terrorists acts in New York City and Washington, D.C. on September 11, 2001; and

Whereas, the City pays military leave with pay in accordance with the Codified Ordinances of the City and the respective collective bargaining agreements and management compensation plans when an employee is called to active military duty at the direction of the President or the Governor; and

Whereas, it is the belief of this Council that the possible discontin-

uation of City-provided group health and life insurance and the limitation on military leave with pay could cause economic and procedural hardships for affected employees and their families; and

Whereas, Council desires to support and assist those City employees who have been called to active military duty and their families who have been financially burdened by the employees' call to active military duty; 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 Codified Ordinances of Cleveland, Ohio, 1976, all employees of the City who are now serving or may in the future serve as part of the active military forces of the United States in connection with the terrorists acts that occurred in New York City and Washington, D.C. on September 11, 2001, shall be paid by the City throughout such employee's active military service in connection with the terrorists acts that occurred in New York City and Washington, D.C. on September 11, 2001 the difference in money between the employee's City pay and the employee's military pay so long as the employee's military pay is less than the employee's City pay for the same time period.

Section 2. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the group health and life insurance benefits currently provided to all City employees pursuant to the Codified Ordinances and the City's collective bargaining agreements, shall remain in full force and effect for those City employees otherwise eligible for such benefits, who are now serving or may in the future serve as part of the active military forces of the United States in connection with the terrorists acts that occurred in New York City and Washington, D.C. on September 11, 2001. Such benefits shall continue for the duration of such employees' active military service in connection with the terrorists acts that occurred in New York City and Washington, D.C. on September 11, 2001, but in no event shall such benefits continue beyond one year from the effective date of this ordinance.

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 2185-02.

By Council Member Jackson (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.

Whereas, this Council, in accordance with the provisions of law, has adopted a Tax Budget, for the fiscal year commencing January 1, 2003; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part without the 10-Mill Limitation; 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 the amounts and rates as determined by the Budget Commission in its certification are accepted.

Section 2. That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-Mill Limitation, as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

FUND	Amount to be Derived From Levies	Amount Approved By Budget Commission Inside 10-Mill Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
	Outside 10-Mill Limitation	Column II	Inside 10-Mill Limit	Outside 10-Mill Limit
		Column IV	Column V	Column VI
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			0.05	0.25
TOTAL			4.40	8.30

Section 3. That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

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

Res. No. 2187-02.

By Council Members Conwell, Scott, Jackson and Britt.

An emergency resolution urging the Mayor and Director of Public Safety to consider using the 311/reverse 911 system as part of the City of Cleveland safety initiative, and to initiate a pilot program using this technology in a number of neighborhoods for a period of twelve months in order to determine overall effectiveness.

Whereas, the 311 Response System provides improved accessibility and service to citizens as well as providing improved support to city departments and divisions in their efforts to deliver services to Cleveland residents; and

Whereas, the 311 Response System effectively establishes priorities/policies in response to citizen and departmental needs; and

Whereas, the 311 Response System can capture and track all citizen

requests for city services and information, regardless of department or division involved; and

Whereas, the 311 Response System records critical statistics including citizen demand for services and performance of service delivery; and

Whereas, the 311 Response System effectively gets service requests directly to the staff responsible for completing such requests, thus making service delivery to citizens more effective; and

Whereas, the reverse 911 is a public safety tool that allows officials to alert the citizens in a community on any emergency situation that may arise in their communities; and

Whereas, reverse 911 allows safety authorities and personnel to target a precise geographic area of the city with computer software and geographic information technologies that are linked to telecommunications systems, which will enable

them to saturate a specific area with thousands of calls per hour notifying residents of acute emergencies; and

Whereas, the reverse 911 system can be programmed to call specific lists, such as neighborhood crime watch groups, or send text messages to pagers, cellular phones, and fax machines to notify citizens in affected areas of immediate emergencies; and

Whereas, the 311 Response System and reverse 911 allows both the police and community to be more directly involved with each other, which can greatly enhance the safety and welfare of the general public; and

Whereas, the 311 Response System and reverse 911 can greatly improve the quality of life of residents in the City of Cleveland; and

Whereas, Cleveland City Council supports and champions the use of strategic cost-effective information

Technology (IT) initiatives, which enhance government services to our community and which deliver efficient solutions, that improve the quality of life for our citizens; and

Whereas, Cleveland City Council endorses the implementation of a Citywide 311 Response System and all of its functionality and supports the integration of the Reverse 911 core functionality into the Citywide 311 Response System project; and

Whereas, Cleveland City Council can actively participate to review and suggest citywide policies that guide the appropriate usage of the 311 Response System and the Reverse 911 Citizen Alert System; and

Whereas, the implementation and administration of the 311 and Reverse 911 systems will be the sole responsibility of the Executive branch of city government; and

Whereas, Cleveland City Council can be provided with periodic progress reports on the implementation and performance of the Citywide 311 Response System and the Reverse 911 Citizen Alert System, as well as any development of new policies as it pertains to the improved usage of the 311 and Reverse 911 systems; and

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

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

Section 1. That this Council strongly urges the Mayor and Director of Public Safety to consider using the 311 Response System and reverse 911 system as part of the City of Cleveland safety initiative, and to initiate a pilot program using this technology in a number of neighborhoods for a period of twelve months in order to determine overall effectiveness.

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

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

Ord. No. 2172-02.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of aviation insurance for not to exceed two police helicopters and their equipment, for the Division of Police, Department of Public Safety, for a period not to exceed one year; and authorizing a month-to-month interim extension of Contract No. 57236 with Aon Risk Services, Inc. of Ohio, for a period not to exceed three months.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts 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 aviation insurance for not to exceed two police helicopters and their equipment, in the estimated sum of \$170,000 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 the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the Director of Public Safety is authorized to extend the term of Contract No. 57236 with Aon Risk Services, Inc. of Ohio, on a month-to-month basis for a period not to exceed three months, for helicopter insurance.

Section 3. That the costs of the new contract and of the extensions of the existing contract authorized shall be paid from Fund No. 01-600204-632000 and shall also be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract certified by the Director of Finance. (RL 119538)

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

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

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

Ord. No. 2189-02.

**By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Turkey Trot Race on November 28, 2002, sponsored by Hermes Race System.**

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 Turkey Trot Race, sponsored by Hermes Race Systems, on November 28, 2002, beginning with 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Street to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd St. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb land and go to the exit ramp (curb lane-coned off) and wrap around the Amtrak Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2190-02.

**By Council Member Conwell.
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Goodwill Industries of Greater Cleveland for the 1st Annual Disability Awareness Day in order to carry out the public purpose of providing education to the residents of the City of Cleveland through the use of Ward 9 Neighborhood Equity Funds.**

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Goodwill Industries of Greater Cleveland for the 1st Annual Disability Awareness Day in order to carry out the public purpose of providing education to the residents of the City of Cleveland through the use of Ward 9 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$13,499.85 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

Ord. No. 2191-02.

By Council Member Gordon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Senior Citizens Resources, Inc. for Holiday Meals Program 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 Citizens Resources, Inc. for the December 2001 and December 2002 Holiday Meals Program for the public purpose of providing hot meals to senior citizens that reside in the City of Cleveland 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 \$10,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2192-02.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into credit arrangements for the extension of credit as may be necessary to register members and/or staff of City Council for seminars, conferences, retreats, and other official City-business functions and to utilize such credit arrangements to make travel arrangements and/or lodging arrangements necessary for members and staff of City Council to attend seminars, conferences, retreats, and other official City-business functions.

Whereas, members of City Council and staff of City Council attend seminars, conferences, and retreats with a focus on municipal government and/or government service; and

Whereas, in order to attend such seminars, conferences, and retreats it is often necessary to register by paying a fee prior to attendance; and

Whereas, attendance at seminars, conferences, and retreats outside of the Cleveland area may also require travel arrangements and lodging arrangements; and

Whereas, in order to facilitate payment of registration fees and to make travel and lodging arrangements it is necessary to have credit arrangements; and

Whereas, this Council is requiring that the Clerk of Council be responsible for ensuring that registration fees are paid in a timely manner and for making necessary travel and lodging arrangements; and

Whereas, in order to facilitate the performance of the duties of the Clerk of Council, the Clerk of Council must make credit arrangements; 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 Clerk of Council is hereby authorized to enter into credit arrangements as may be necessary to register members and/or staff of City Council for seminars, conferences, retreats and other official City-business functions and to utilize such credit arrangements to make travel arrangements and lodging arrangements necessary for members and/or staff of City Council to attend seminars, conferences, retreats, and other official City-business functions.

Section 2. That this authorization to enter into credit arrangements shall begin in calendar year 2002 and shall continue until such time as it may be revoked by this Council.

Section 3. That the debt incurred as a result of the credit arrangements authorized by this ordinance shall be paid from Fund No. 01 SF 001 and/or from the fund or funds which are appropriated for the payment of registration, travel arrangements and/or lodging arrangements for attendance at seminars, conferences, retreats, and/or other official City-business functions.

Section 4. That no charges incurred as a result of the credit arrangements authorized by this ordinance shall exceed the funds appropriated and available for this purpose on the date of the charge.

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.

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

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

Ord. No. 2193-02.

By Council Member Jackson.

An emergency ordinance authorizing the Clerk of Council to enter into subscription, license and any other agreements necessary to obtain online access to computer assisted legal and other research databases, materials and services required for the work of Cleveland City Council.

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 Clerk of Council is hereby authorized to enter into subscription, license and any other agreements necessary to obtain online access to computer assisted legal and other research databases, materials and services required for the work of Cleveland City Council.

Section 2. That the term of any such agreement shall not exceed three years and shall be paid from Fund No. 01 SF 001 and/or from the fund or funds which are appropriated for the payment of such agreements.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2194-02.

By Council Member Rybka.
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Boys and Girls Clubs of Greater Cleveland for their Broadway Youth Program in order to carry out the public purpose of providing educational and recreational programming to the youth of the City of Cleveland through the use of Ward 12 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 a grant agreement with Boys and Girls Clubs of Greater Cleveland for their Broadway Youth Program in order to carry out the public purpose of providing educational and recreational programming to the youth of the City of Cleveland through the use of Ward 12 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 2195-02.

By Council Member White.
An emergency ordinance authorizing the Director of Community Development to enter into contracts with various individuals and/or families for second mortgage assistance in the financing of housing being acquired in Ward 2, through the use of Ward 2 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 contracts with various individuals and/or families for second mortgage assistance in the financing of housing being acquired in Ward 2 for the public purpose of providing housing for Cleveland residents through the use of Ward 2 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

Res. No. 2186-02.

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

An emergency resolution declaring the necessity and intention to appropriate property for the public purpose of constructing Maplewood Park, located at 17810 Midvale Avenue.

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 for the public purpose of constructing Maplewood Park, located at 17810 Midvale it is necessary to appropriate in fee simple property interests and this Council declares its intent to appropriate the fee simple property interests in and to the following property:

Permanent Parcel No. 028-11-040
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 142 in the Provident Land Company's Riverview Subdivision No. 2 and a part of Original Rockport Township Section No. 3, as shown by the recorded plat in Volume 95 of Maps, Page 38 of Cuyahoga County Records and being 40 feet front on the Northerly side of Midvale Avenue S.W., and extending back between parallel lines 126 feet, as appears by said plat.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

Section 3. That this resolution is declared to be an emergency mea-

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

Res. No. 2196-02.

By Council Member Jones.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 14720 Harvard Avenue and repealing Resolution No. 1309-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 14820 Harvard Avenue by Resolution No. 1309-02 adopted by Council on June 17, 2002; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 14720 Harvard Avenue be and the same is hereby withdrawn and Resolution No. 1309-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 2197-02.

By Council Member Lewis.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 9200 Wade Park Avenue, Unit B-10, and repealing Resolution No. 1165-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 9200 Wade Park Avenue, Unit B-10 by Resolution No. 1165-02 adopted by the Council on June 3, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a

cooperation agreement by and through City Council Representative, Fannie M. Lewis and Applicant, Waheeb Zahriyeh, President, My Own, Inc., DBA Foodtown #1, 9200 Wade Park Avenue, Unit B-10, Cleveland, Ohio 44106, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 9200 Wade Park Avenue, Unit B-10, be and the same is hereby withdrawn and Resolution No. 1165-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 2198-02.

By Council Member O'Malley.

An emergency resolution withdrawing objection to a New C2 Liquor Permit to 2039 Broadview Road and repealing Resolution No. 1672-02, objecting to said issuance.

Whereas, this Council objected to the issuance of a New C2 Liquor Permit to 2039 Broadview Road by Resolution No. 1672-02 adopted by Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above issuance and hereby consents to said issuance; 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 issuance of a New C2 Liquor Permit to 2039 Broadview Road be and the same is hereby withdrawn and Resolution No. 1672-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 2199-02.

By Council Member Sweeney.

An emergency resolution urging the Ohio Department of Job and Family Services to solicit proposals for the management of Ohio's Medicaid supplemental rebate prescription drug program and, when possible, to contract with Ohio companies.

Whereas, the Ohio Department of Job and Family Services is considering contracting with an out-of-state vendor for services to manage a Medicaid supplemental rebate prescription drug program; and

Whereas, there is a company in Ohio that is recognized nationally for its role as an advisor to State governments on how to control prescription drug costs in Medicaid programs; and

Whereas, this company currently provides such services to the states of Florida, Illinois, West Virginia and Louisiana; and

Whereas, this Council believes that the State of Ohio should, when possible, contract with Ohio companies; and

Whereas, this Council urges the Ohio Department of Job and Family Services to solicit proposals for the management of Ohio's Medicaid supplemental rebate prescription drug program; and

Whereas, soliciting proposals will enable the State of Ohio to compare proposals and select the company that will provide the best service to the citizens of the State of Ohio; and

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

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

Section 1. That this Council urges the Ohio Department of Job and Family Services to solicit proposals for the management of Ohio's Medicaid supplemental rebate prescription drug program and, when possible, to contract with Ohio companies.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Bob Taft and Tom Hayes, Director, Ohio Department of Job and Family Services.

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1534-02.

By Council Member Zone.

An emergency ordinance to amend Section 471.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1217-02, passed June 10, 2002, relating to use of highway for soliciting; riding in cargo storage area, on tailgate or on outside of vehicle.

Approved by Directors of Public Safety, Law; Passage recommended by Committees on Public Safety, Legislation; when amended as follows:

1. In Section 1, at amended Section 471.06(a), at the end, after "vehicle," insert "**This division does not apply in the case of emergency or when the solicitation is due to the person engaging transportation for hire.**"

2. In Section 1, at amended Section 471.06(b), at the end, after "vehicle," insert "**This division does not apply to police or firefighters soliciting contributions for bona fide charities.**"

3. In Section 1, at amended Section 471.06(c) and (d), second paragraph, after "vendor," insert in both places: "**This division does not apply in the case of emergency; or when the transfer or exchange of the item, object, package, currency, or thing of value is due to the person engaging transportation for hire by a public hack; or is due to the person facilitating a funeral escort vehicle; or is due to the person making a purchase from a licensed vendor; or is due to police or firefighters soliciting contributions for bona fide charities; or is due to a charitable entity soliciting for bona fide charitable purposes.**"

Amendments agreed to.

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

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

Ord. No. 1728-02.

By Council Member Cintron.

An emergency ordinance designating the John Edwards House as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Relieved of Committee on City Planning.

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

Ord. No. 1850-02.

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

An emergency ordinance to enact Section 187.16 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the Director of the Office of Equal Opportunity conducting the James H. Walker Construction Management Training Course.

Approved by Directors of Office of Equal Opportunity, Finance, Law; Relieved of Committee on Legislation; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In Section 1, at Section 187.16(c), line 3, strike the comma and insert a period; and strike lines 4 and 5 in their entirety and insert "All expenditures made under this section shall be paid from registration fees collected, which are appropriated for these purposes, and from funds appropriated for the use of the Office of Equal Opportunity."

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

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

Ord. No. 1890-02.

By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance to amend Section 42 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, relating to compensation for various classifications.

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

1. In the title, line 5, in Section 1, line 3, and in Section 2, line 3, after "April 15, 2002," insert "and Ordinance No. 1986-02, passed October 7, 2002."

2. In Section 1, at Section 42, at the classification entitled "14 Snow Removal Vehicle Operator" strike "\$13.56" and insert in lieu thereof "14.46".

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

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

Ord. No. 1892-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 58227 with 3500 Group, Ltd. to modify certain terms of the contract.

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

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

Ord. No. 1927-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Solomon Enterprises Ltd. to provide economic development assistance to partially finance the acquisition of property and the construction of a building for a barber college, and

all other costs associated to redevelop the property located at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, Cleveland, Ohio.

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

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

Ord. No. 1928-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Solomon Enterprises Ltd. to provide for a ten year sixty percent abatement for certain real property improvements as an incentive to acquire property and construct a building for a barber college at Permanent Parcel Nos. 103-24-077 and 103-24-078 and the adjacent area, and all other associated costs with the construction of a new building, located in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 1929-02.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with New Village Corporation to provide for a ten year sixty percent abatement for certain real property improvements as an incentive to assist with the build-out of the commercial/retail space for a Family Dollar store in the Fries & Schuele Building located at 1920-36 West 25th Street.

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

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

Ord. No. 1978-02.

By Council Member O'Malley.
An emergency ordinance to vacate a portion of Concord Court S. W. hereinafter described.

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

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

Ord. No. 2104-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to make additional appropriations of Thirteen Million Three Hundred Eighty Thousand Nine Hundred Eighty Five Dollars (\$13,380,985) of the Enterprise Funds and Twenty Six Million Nine Hundred Forty Five Thousand Dollars (\$26,945,000) of the Debt Service Funds.

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

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

Ord. No. 2105-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to make additional appropriations of Three Million Two Hundred Sixty Five Thousand Six Hundred Seventy One Dollars (\$3,265,671) of the General Fund, One Million Eight Hundred Forty Six Thousand One Hundred Fifty One Dollars (\$1,846,151) of the Internal Service Funds and Three Million Four Hundred Eighty Two Thousand Two Hundred Sixteen Dollars (\$3,482,216) of the Special Revenue Funds.

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

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

Ord. No. 2106-02.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide the transfer of the sum of Seven Million Six Hundred Thousand Nine Hundred Four Dollars (\$7,600,904) within various divisions of the General Fund; Forty Five Thousand Dollars (\$45,000) within the Special Revenue Fund, Thirty Five Thousand Dollars (\$35,000) within the Enterprise Fund; and Five Thousand Dollars (\$5,000) within the Debt Service Fund.

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

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

MOTION

By Council Member Westbrook and seconded by Council Member Lewis and unanimously carried that the absence of Council Member Kevin Conwell and Council Member Michael C. O'Malley, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:55 p.m. to meet on Monday, November 18, 2002, 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

November 6, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 6, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 721-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graham Enterprises — d.b.a. Aries Distribution, Inc., for an estimated quantity of janitorial supplies, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on September 25, 2002, pursuant to the authority of Ordinance No. 2024-01 passed February 11, 2002, which on the basis of the estimated quantity would amount to Two Hundred Eighty Five Thousand Three Hundred Thirteen and 54/100 Dollars (\$285,313.54), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 124668

which shall be certified against such contract in the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, but not to exceed a total value of \$412,500.00, as may be ordered under subsequent requisitions separately, certified against said contract.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 722-02.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cyngier Systems Management, Inc. for labor and materials neces-

sary to maintain and repair boilers, for the various divisions of the Department of Port Control, for a period not to exceed one year beginning with the date of execution of a contract, received on the 6th of September, 2002, pursuant to the authority of Ordinance No. 941-02, passed on June 17, 2002, which on the basis of the estimated quantity would amount to Twenty Four Thousand Eight Hundred Forty Five and 00/100 Dollars (\$24,845.00), 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 material's necessary, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 124663

which shall be certified against such contract in the sum of Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00)

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 to not exceed Four Hundred Eighty Thousand and 00/100 Dollars (\$480,000.00) as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control that the following subcontractor to Cyngier Systems Management, Inc.:

Subcontractor MBE/FBE% Amount

Steward Supply and Construction Company, Inc.	MBE% 2.98	\$740.00
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M.M. Berger & Assoc.

FBE% 1.01	\$250.00
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Yeas: None.

Nays: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Absent: Director Taylor.

Resolution No. 723-02.

By Director Mok.

Whereas, Neighborhood Housing Services of Cleveland, Inc. ("NHS") and the First Suburbs Development Council ("FSDC") wishes to utilize the banquet room at Burke Lakefront Airport ("Airport") for an annual holiday party ("Event") to be held on December 5, 2002; and,

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement ("Agreement") granting NHS and FSDC the privilege, permit and license to conduct the Event in the Banquet Room at Burke Lakefront Airport from 5:30 p.m. to 8:30 p.m. on

December 5, 2002, and to use and occupy the room for such period of time before the Event as necessary for preparation. NHS and FSDC shall pay the City a \$1,036.00 fee for the Event, shall reimburse the City for the cost of two (2) City employees to perform custodial and building maintenance work related to the conduct of the Event, shall arrange for the conduct of the Event and such other activities approved as appropriate and incidental to the Event, and shall be responsible at its expense for providing traffic control, security and clean up.

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

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 724-02.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 903-01, adopted December 12, 2001, pursuant to the authority of Ordinance No. 823-01, passed June 19, 2001, approving Baker and Associates, a unit of Michael Baker Corporation, Contract No. 59059, for professional engineering services for the design and preparation of plans for the replacement of the apron around Concourse "C" at Cleveland Hopkins International Airport, the employment of the following sub-consultant for the above-mentioned project is hereby approved:

Subconsultant Description	Amount
Robert & Company Aircraft Hydrant Fuel System Design	\$15,000.00

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 725-02.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cargill, Incorporated - Salt Division, for item #2 an estimated quantity of 120,000 tons of rock salt, for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on October 25, 2002, pursuant to the authority of Ordinance No. 1374-02 passed August 14, 2002 and amended by Ordinance No. 1938-02 passed October 7, 2002, which on the basis of the estimated quantity would amount to Three Million Six Hundred Fifty Four Thousand and 00/100 Dollars (\$3,654,000.00), is hereby affirmed and approved as the best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the imme-

diate purchase as the initial amount of such contract of the following:

Requisition No. 123339

which shall be certified against such contract in the sum of One Hundred Eighty Two Thousand Seven Hundred and 00/100 Dollars (\$182,700.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 726-02.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that all bids received on October 25, 2002 for an estimated quantity of item #1 30,000 tons of rock salt piled, item #3 30,000 tons of rock salt picked up by City, item #4 120,000 tons of rock salt picked up by City, item #5 10,000 tons of treated salt, and item #6 20,000 gallons of liquid deicer for the Division of Streets, Department of Public Service, pursuant to the authority of Ordinance No. 1374-02 passed August 14, 2002 and amended by Ordinance No. 1938-02 passed October 7, 2002, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 727-02.

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. 137-01-086 located at 3542 East 117th Street in Ward 3; 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, Donna Rozier, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has consented to the proposed sale;

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

3. The proposed purchaser of said parcel is neither tax delinquent nor

in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Donna Rozier for the sale and development of Permanent Parcel No. 137-01-086 located at 3542 East 117th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 728-02.

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. 008-01-149 located at Barber Avenue 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, Carol A. Bunch, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 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 purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Carol A. Bunch for the sale and development of Permanent Parcel No. 008-01-149 located on Barber Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 729-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 004-02-056, 004-02-057, 004-02-058 located at 2092, 2086, 2082 West 18th Street in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Rosemary M. Vinci, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Rosemary M. Vinci for the sale and development of Permanent Parcel Nos. 004-02-056, 004-02-057, 004-02-058 located at 2092, 2086, 2082 West 18th 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 parcels shall be \$1.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 730-02.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 710-95, passed by the Cleveland City Council on June 12, 1995, The Center for Airport Management, LLC ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and complete canvass by said Director as the design firm to be employed by contract for the purpose of providing professional services necessary for the enhancement and development of the Concession Program, Phases I-III, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into written contract with The Center for Airport Management, LLC, based on its proposal dated August 6, 2002. The fee for the services shall be an amount not to exceed three hundred ten thousand and 00/100 Dollars (\$310,000.00). The contract authorized herein shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

Resolution No. 731-02.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cyngier Systems Management, Inc., for labor and materials necessary to maintain and repair boilers, for the various divisions of the Department of Port Control, for the period not to exceed one year beginning with the date of execution of a contract, received on the 6th day of September, 2002, pursuant to the authority of Ordinance No. 941-02, passed June 17, 2002, which on the basis of the estimated quantity would amount to Twenty Four Thousand Eight Hundred Forty Five and 00/100 Dollars (\$24,845.00), 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. 124663

which shall be certified against such contract in the sum of Six Thousand Five Hundred and 00/100 Dollars (\$6,500.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such labor and materials, whether more or less than said estimated quantity, but not to exceed Twenty Four Thousand Eight Hundred Forty Five and 00/100 Dollars (\$24,845.00), as may be ordered under subsequent requi-

sitions separately certified against said contract.

Be it further resolved by the Board of Control that the employment of the following subcontractor to Cyngier Systems Management, Inc. is hereby approved:

Subcontractor MBE/FBE% Amount

M. M. Berger & Associates	1.01% FBE	\$250.00
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Yeas: Mayor Campbell, Acting Director Horvath, Directors Baker, Konicek, Mok, Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims and Fumich.

Nays: None.

Absent: Director Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 25, 2002

9:30 A.M.

Calendar No. 02-317: 11626 Union Avenue (Ward 3)

Shorebank Cleveland Corporation, owners, appeal to establish use of an existing 30' x 115' two-story masonry building as a 5 unit apartment building all situated on an approximate 160' x 188' irregular shaped parcel located in a Two-Family and a General Retail Business District on the south side of Union Avenue at 11626 Union Avenue; said use being contrary to the Yards and Courts Requirements of Section 357.04, where a 5' side

street yard setback is required and the rear third of the corner lot abuts a residential lot and parking is not permitted at the rear third of a corner lot as stated in Section 357.04(b)(2) of the Codified Ordinances.

Calendar No. 02-318: Appeal of David Hogan, 2902 South Moreland Boulevard (Ward 4)

Gary Rhodes, owner c/o David Hogan, agent, appeals from the decision of the Cleveland Landmarks Commission to deny an application for a Certificate of Appropriateness for installation of new vinyl replacement windows for a two family residence at 2902 South Moreland Boulevard.

Calendar No. 02-319: Appeal of Murray's Discount Auto Sales, 11011 Lorain Avenue (Ward 19)

The 11011 Lorain Avenue Associates, owner, and Murray's Discount Auto Sales, tenant c/o Sheryl Banner, agent, appeals from a Notice of Violation issued by the City of Cleveland Division of Building and Housing citing Section 347.08(a)(c), where trash areas and refuse containers shall be located so that they shall not be visible from the public street or from any lot or lots designated for residential purposes and such trash areas shall be screened with opaque fencing not lower than the height of the refuse containers therein with adequate vehicular access to and from such areas for collection of trash at reasonable hours.

Calendar No. 02-320: 8837 St. Clair Avenue (Ward 8)

Church of Christ Sowinski Incorporated, owner c/o Donald Nelson, agent, appeals to change the use of an existing 50' x 177' warehouse/office building into a church all situated on an irregular shaped acreage parcel located in a Local Retail Business District on the north side of St. Clair Avenue at 8837 St. Clair Avenue; and said change of use requires the Board of Zoning Appeals approval where the proposed use abuts a residential district at the rear of the property and by reference as regulated in a One-Family District, Section 337.02(e), a church is required to be 15' from any adjoining premises in a residence district not used for similar purposes as stated in Section 343.01 of the Codified Ordinances.

Calendar No. 02-321: 5700 Stickney Avenue (Ward 16)

Ray Shepard, owner, appeals to construct a 24' x 54' one-story, frame accessory garage with a second floor for personal storage all situated on a 50' x 246' parcel located in a Two-Family District on the north side of Stickney Avenue at 5700 Stickney Avenue; said construction being contrary to the Residential District Requirements of Section 337.23(a), where 120' is proposed from the property line and 122' is required where accessory buildings shall be on the rear half of the lot and Section 337.06(a), where the allowable square footage is 1,273 sq. ft. and 2,592 sq. ft. is proposed and contrary to the Height Regulations, where a total height of 18' is proposed and 15' is required as stated in Section 353.05 of the Codified Ordinances.

Calendar No. 02-322: 3196-3198 Fulton Road (Ward 14)

Ripepi Funeral Home, Inc., owner c/o Tony Ripepi, appeals to construct a 12 car parking lot on an approximate 41' x 152' irregular shaped corner parcel located in a Local Retail Business District on the southwest corner of Newark Avenue and Fulton Road at 3196-03198 Fulton Road; said construction being contrary to the Landscaping and Screening Requirements of Sections 352.08-352.10, where a 6' wide landscaped frontage strip is required where the proposed parking lot abuts the street at Fulton and Newark Avenue and a 4' strip is proposed with no planting or screening and Section 352.12, where a landscape plan and schedule is required and contrary to the Yards and Courts Requirements of Section 357.04(b)(2), where parking is not a permitted encroachment in the required side street yard and front yard and no parking is permitted within 10' of the property line at the rear third of the corner lot along Newark Avenue and no parking is permitted in the front specific 8' setback as stated in Section 357.13 of the Codified Ordinances.

Calendar No. 02-323: 17414 Neff Road (Ward 11)

John Chipko, owner, appeals to construct an 8' x 16' one-story, frame attached shed to an existing dwelling structure all situated on an approximate 34' x 135' irregular shaped corner parcel located in a Two-Family District on the southwesterly corner of Hoover Road and Neff Road; said construction being contrary to the Area Requirements of Section 355.04(b), where the maximum gross floor area allowed is 4,216 sq. ft. and 4,328 sq. ft. is proposed and contrary to the Yards and Courts Requirements, where the rear of a corner lot in any use district where the rear lot line of the corner lot is also the side line of the butt lot in the rear, an established setback building line of 35' is existing and no building shall be erected nearer to the side street as stated in Section 357.05(b)(2) of the Codified Ordinances.

Calendar No. 02-324: 2587 West 14th Street (Ward 13)

St. George Antiochian Orthodox Church, owner c/o Joseph Hollis, agent, appeals to construct a 43 parking lot on an approximate 132' x 150' corner parcel located in a General Retail Business District on the northeast corner of Auburn Avenue and West 14th Street at 2585-2587 West 14th Street; said construction being contrary to the Off-Street Parking and Loading Requirements of Section 349.09, where on driveway is permitted every 100 linear foot of frontage and two are proposed and contrary to the Landscaping and Screening Requirements of Section 352.09, where a 10' wide transition strip is required between a General Retail Business District and a Two-Family District and a 6' wide landscaped strip is required between the proposed parking lot and West 14th Street and Auburn Avenue as stated in Section 352.11 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS**MONDAY, NOVEMBER 11, 2002**

At the meeting of the Board of Zoning Appeals on Monday, November 11, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 02-271: 17600 Lakeshore Boulevard

A Motion for Reconsideration being granted on October 21, 2002, Ante Susnjara and Sarah Kennedy appealed for a change of use from a one-story service station building to an auto repair garage in a Multi-Family District.

Calendar No. 02-301: 11307 Orville Avenue

Eloise Miller appealed to alter and enclose two existing porches and add a second story enclosed porch to each on a 64' x 64' corner parcel in a Two-Family District.

Calendar No. 02-303: 2059 West 65th Street

St. Colman Church and Diocese of Cleveland appealed to construct a parking lot for 20 accessory parking spaces in a General Retail Business District.

Calendar No. 02-304: 6311 Lawn Avenue

St. Colman Church and Diocese of Cleveland appealed to construct a parking lot for 23 accessory parking spaces in a Multi-Family District.

Calendar No. 02-307: 3559 West 100th Street

Linda Moore appealed to alter and partially enclose a 7' x 24' front porch of an existing dwelling in a Two-Family District; subject to revised plan.

Calendar No. 02-309: 397 East 160th Street

Northeast Shores Development Corporation appealed to construct a parking lot for 20 accessory parking spaces in a Local Retail Business District.

Calendar No. 02-215: 1845 West 45th Street

Ryan McKenzie appealed to construct a two-story, single family dwelling with a 24' x 32' one-story garage in a Two-Family District.

The following appeal was **Denied: None.**

The following appeals were **Postponed**:

Calendar No. 02-306: 3715 Highland Road postponed to December 2, 2002.**Calendar No. 02-308:** 11010-12 Superior Avenue postponed to December 2, 2002.

The following appeals were **Withdrawn**:

None.

On Monday, November 11, 2002, in Executive Session:

The following appeals were heard by the Board on Monday, November

4, 2002, and said decisions were adopted and approved in Executive Session on November 11, 2002:

The following appeals were **Approved**:

Calendar No. 02-286: 2074 West 25th Street

Melvin S. and Daryl B. Ross, owners, and Natalie Roelle, tenant, appealed to change the use of a 960 sq. ft. studio building into a tattoo shop in a General Retail Business District.

Calendar No. 02-287: 9600 Lorain Avenue

Sunbeam Partners appealed to change the use of a 3900 sq. ft. one-story retail building into an auto detailing school in a General Retail Business District.

Calendar No. 02-288: 770 East 185th Street

Musca Properties LLC, owner, and Al Bucco, tenant, appealed to change the use of a 540' x 72' one-story restaurant into a restaurant/nightclub in a Local Retail Business District; subject to conditions.

Calendar Nos. 02-289: 2262 West 5th Street (Unit 12)

290: 2266 West 5th Street (Unit 11)
291: 2272 West 5th Street (Unit 10)
292: 2278 West 5th Street (Unit 9)
293: 2282 West 5th Street (Unit 8)
294: 2286 West 5th Street (Unit 7)
295: 2292 West 5th Street (Unit 6)
296: 2298 West 5th Street (Unit 5)

Lori Properties appealed to construct a 20' x 52' three-story residence townhouse on an approximate 27' x 115' parcel in a Two-Family District at each of the street addresses captioned above.

Calendar No. 02-299: 12512 Miles Avenue

Carol Williams appealed to install 156 linear feet of 5' high ornamental fencing to the front perimeter of a 45' x 200' parcel in a General Retail Business District.

Calendar No. 02-300: 2165 East 89th Street

E.F. Boyd & Sons appealed to construct a 65' x 126' two-story funeral home building attached to the rear of a chapel on a 271' x 390' parcel in a Local Retail Business District.

Calendar No. 02-266: 7000 Euclid Avenue

H&K Kim, LLC appealed to change the use of a two-story 56,000 sq. ft. auto sales building into an industrial warehouse and wholesale business building in a General Retail Business District.

The following appeal was **Denied**:

Calendar No. 02-202: 17528 Tarkington Avenue

Lisa Wallace appealed to expand the use of a day care facility by changing a one-story attached garage into a play room.

Calendar No. 02-238: 14500 Puritas Avenue

Paul Haddad appealed to establish a two-story frame dwelling as office use for a palm reader advisor facility in a General Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF BUILDING STANDARDS
AND BUILDING APPEALS**

Re: Report of the Meeting of
November 6, 2002

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-117-02.

RE: Appeal of Adolph & Betty Karafiat, Owners of the Two Dwelling Units/Repair Garage Two & One/half Story Frame & One Story Property located on the premises known as 3852 Ridge Road from a NOTICE OF VIOLATION — NO PERMIT of the Commissioner of the Division of Building and Housing, dated June 20, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain a current building permit for the work required at 3852 Ridge Road in accordance with the Codified Ordinances of the City of Cleveland and to REMAND the property to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-123-02.

RE: Appeal of Charles Minadeo, Owner of the Jay Hotel located on the premises known as 2515 Jay Avenue from a CERTIFICATE OF OCCUPANCY NO. 14464 of the Commissioner of the Division of Building and Housing, dated July 31, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to provide the required plans and information so that the Chief Building Official can review and issue the group classification in both the R-1 and R-2 categories. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-130-02.

RE: Appeal of Northcoast Developers, Inc., Owner of the Two Story Masonry Commercial Property located on the premises known as 3801 Grand Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated June 26, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and

the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for November 23, 2002.

* * *

Docket A-135-02.

RE: Appeal of Evelyn B. Rowsers (Deceased) c/o Tera Robinson, Owner of the Nine Dwelling Units/Three Story Wood Frame Property located on the premises known as 1387 East 105th Street from a 30 DAY FIRE CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated July 31, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-135-02 has been POSTPONED; to be rescheduled for November 23, 2002.

* * *

Docket A-136-02.

RE: Appeal of Helen Roberts, Owner of the Property located on the premises known as 7709 Cedar Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 23, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-136-02 has been POSTPONED; to be rescheduled for November 23, 2002.

* * *

Docket A-137-02.

RE: Appeal of Accurate Plating Company c/o Charles A. Foley, Owner of the Property located on the premises known as 6512 Carnegie Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 23, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled for February 6, 2003.

* * *

Docket A-141-02.

RE: Appeal of 2044 Euclid Partners, Owners of the Five Story Masonry Business/Office Property located on the premises known as 2044 Euclid Avenue from a NOTICE OF VIOLATION — ILLEGAL USE of the Commissioner of the Division of Building and Housing, dated July 26, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that based on the testimony presented, illegal occupancy does exist and that it must cease, the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

Docket A-142-02.

RE: Appeal of Eighteen Fifty Properties Ltd., Owner of the Property located on the premises known as 1852 Columbus Road from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated July 24, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1852 Columbus Road to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-153-02.

RE: Appeal of Ohio City Elderly, LP, Owner of the Proposed Three Story Elderly Housing Apartment Building located on the premises known as 3207 Franklin Boulevard from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated September 13, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the porch to be constructed as shown, approximately five (5) feet from the property line, noting that the exiting requirements of the building do not include the porch area. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-159-02.

RE: Appeal of University Hospitals Health System, Owner of the Research Institute Building located on the premises known as 2033 Cornell Road from a PARTIAL ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated October 4, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-159-02 has been POSTPONED; to be rescheduled for November 20, 2002.

* * *

Docket A-166-02.

RE: Appeal of Case Western Reserve University, Owner of the CWRU Health Science Complex, Med East Building located on the premises known as 2119 Abington Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated October 17, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the penthouse to occupy approximately 44% of the roof area, exceeding the 33% code requirement. Motion so in order.

Motioned by Mr. Saab and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

Docket A-170-02.

RE: Appeal of Quay 55 Limited Partnership, Owner of the Multi Masonry Property located on the premises known as 5451 North Marginal Road from a NOTICE OF VIOLATION — HVAC of the Commissioner of the Division of Building and Housing, dated September 23, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the non-conforming PCV piping and plenum to be in its fire resistance rating as mutually agreed by the Building Department and the Fire Department, and all fire stopping and penetrations be reviewed by an independent third party, before jobs end, before a Certificate Of Occupancy is issued, and that the report be forthcoming to the City. Motion so n order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-160-00—The Salvation Army.
- A-131-02—S. Christine Baumgartner, et al.
- A-134-02—Mario Marra.
- A-138-02—GRA Properties & Investment Inc.
- A-156-02—City Life Development, Inc.
- A-157-02—City Life Development, Inc.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab and seconded by Mr. Saunders for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

October 23, 2002

Yeas: Messrs. Denk, Saunders, Gallagher, Saab, Bradley. Nays: None.

* * *

EUGENE CRANFORD, JR.,
Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
on City Planning**

**Mercedes Cotner Committee Room 217
City Hall, Cleveland, Ohio
On Monday, November 25, 2002
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 Monday, November 25, 2002, at 1:00 P.M., to consider the following ordinance now pending in the Council:

Ord. No. 1730-02.

By Council Member Cimperman. An ordinance to change the zoning of properties west of West 20th Street and north of Abbey Avenue. (Map Change No. 2057, 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

November 13, 2002 and November 20, 2002

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, NOVEMBER 20, 2002

Burials for the Indigent Dead, for the Division of Vital Statistics, Department of Public Health, as authorized by Ordinance No. 680-02, passed by the Council of the City of Cleveland, May 13, 2002.

Typewriter Maintenance, for various divisions, Department of Finance, as authorized by Ordinance No. 1061-02, passed by the Council of the City of Cleveland, September 16, 2002.

November 6, 2002 and November 13, 2002

THURSDAY, NOVEMBER 21, 2002

Cushman Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 912-02, passed by the Council of the City of Cleveland, June 17, 2002.

November 6, 2002 and November 13, 2002

FRIDAY, NOVEMBER 22, 2002

Computer Related Hardware Equipment, for the various divisions, Department of Finance, as authorized by Ordinance No. 1936-02, passed by the Council of the City of Cleveland, September 30, 2002.

THERE WILL BE A PRE-BID MEETING ON THURSDAY, NOVEMBER 14, 2002, AT 11:00 A.M., INFORMATION TECHNOLOGY SERVICES, LOCATED AT 1404 EAST 9TH STREET, SUITE #400, CLEVELAND, OHIO 44114.

November 6, 2002 and November 13, 2002

WEDNESDAY, DECEMBER 18, 2002

Crown Water Works Plant Residual Handling System, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2361-01, passed by the Council of the City of Cleveland, March 4, 2002.

THERE WILL BE A PRE-BID MEETING ON MONDAY, NOVEMBER 25, 2002 AT 1:00 P.M., CROWN WATER PLANT, LOCATED AT 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

November 6, 2002 and November 13, 2002

WEDNESDAY, NOVEMBER 27, 2002

Labor and Materials Necessary to Clean and Test Insulators, Bushing and Lighting Arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1075-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A MANDATORY PRE-BID ON THURSDAY, NOVEMBER 21, 2002 AT 10:00 A.M. AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

Rehabilitation of Fire Boat, for the Division Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

November 13, 2002 and November 20, 2002

WEDNESDAY, DECEMBER 4, 2002

One (1) Large Format Printer/Scanner System, for the Division of Printing & Reproduction, Department of Finance as authorized by Ordinance No. 1711-02, passed by the Council of the City of Cleveland, September 23, 2002.

One (1) High Speed Envelope Press, for the Division of Printing & Reproduction, Department of Finance, as authorized by Ordinance No. 1715-02, passed by the Council of the City of Cleveland, September 23, 2002.

One (1) High Capacity Paper Drill, for the Division of Printing & Reproduction, Department of Finance, as authorized by Ordinance No. 1712-02, passed by the Council of the City of Cleveland, September 23, 2002.

November 13, 2002 and November 20, 2002

WEDNESDAY, DECEMBER 11, 2002

Phase II Residential Sound Insulation Program Group G-02, for the Department of Port Control, as authorized by Ordinance No. 930-95, 469-98, 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 & June 12, 2000.

THERE WILL BE A **MANDATORY PRE-BID ON THURSDAY, NOVEMBER 21, 2002, AT 12:00 P.M. AT C & S ENGINEERS OF OHIO, INC., LOCATED AT 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.**

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

Phase II Residential Sound Insulation Program Group H-02, for the Department of Port Control, as authorized by Ordinance No. 930-95, 469-98, 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 & June 12, 2000.

THERE WILL BE A **MANDATORY PRE-BID ON THURSDAY, NOVEMBER 21, 2002, AT 12:00 P.M. AT C & S ENGINEERS OF OHIO, INC., LOCATED AT 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.**

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

November 13, 2002 and November 20, 2002

THURSDAY, DECEMBER 12, 2002

Noise Walls and Landscaping at Various CSX Site Locations, for the Division of Engineering and Construction, Department of Pub-

lic Service, as authorized by Ordinance No. 1398-2000, passed by the Council of the City of Cleveland, November 13, 2000.

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

November 13, 2002 and November 20, 2002

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Res. No. 1935-02.
By Council Members Coats, Jackson, Conwell, Pierce-Scott and Zone.

An emergency resolution urging the federal government to provide adequate funding to regional political subdivisions and local governments to enable these entities to comply with the combined sewer overflow mandates established by the federal government.

Whereas, the federal government and the United States Environmental Protection Agency have enacted laws and regulations that mandate regional political subdivisions and local governments to address combined sewer overflow issues;

Whereas, this mandate is not coupled with funding necessary to ensure compliance with the combined sewer overflow requirements established by the federal government; and

Whereas, many regional political subdivisions and local governments are struggling to provide basic services in this challenging economic time; and

Whereas, many regional political subdivisions and local governments are forced to consider utility rate increases in order to fund the federal government's combined sewer overflow mandates; and

Whereas, proposed utility rate increases, in many instances, exceed the rate of inflation; and

Whereas, such rate increases, if approved, would place an unreasonable burden on consumers of utility services; and

Whereas, it is the opinion of this Council that the federal government should provide funding necessary for regional political subdivisions and local governments to comply with the combined sewer overflow mandates established by the federal government; and

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

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

Section 1. That this Council urges the federal government to provide adequate funding to regional political subdivisions and local governments to enable these entities to comply with the combined sewer overflow mandates established by the federal government.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to U.S. Senator Michael DeWine, U.S. Senator

George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs-Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, and Congressman Ralph Regula.

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 October 28, 2002.

Effective October 30, 2002.

REPRINT

Res. No. 1944-02.
By Council Members Coats and Zone.

An emergency resolution urging President Bush, the U.S. Senate and the U.S. House of Representatives to allocate more federal funds to the Clean Water Act for storm water management projects.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") is commencing a \$1.2 billion improvement to the storm water management system in Cuyahoga County; and

Whereas, the NEORS has proposed to significantly raise the sewer rates of the citizens of Cleveland in order to pay for this improvement; and

Whereas, in the absence of increased federal funding under the Clean Water Act to defray a portion of the cost of these improvements, the sewer ratepayers least able to pay increased sewer use costs will be asked to pay a significant rate increase; 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 this Council urges President Bush, the U.S. Senate and the U.S. House of Representatives to allocate more federal funds to the Clean Water Act for storm water management projects, including the \$1.2 billion storm water management program proposed by the NEORS.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to President Bush, Senator Voinovich, Senator DeWine and the members of the congressional delegation representing Cuyahoga County.

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

Adopted October 28, 2002.

Effective October 30, 2002.

COUNCIL COMMITTEE MEETINGS

**Monday, November 11, 2002
11:00 A.M.**

Employment, Affirmative Action and Training Committee: Present: Lewis, Chair; Reed, Cintron, Johnson, Polensek, Coats. Excused: Conwell, Vice Chair.

2:00 P.M.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; West-

brook, Gordon, Reed, White, Coats, Britt, Brady, Scott. Excused: O'Malley.

**Tuesday, November 12, 2002
9:30 A.M.**

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

**Wednesday, November 13, 2002
10:00 A.M.**

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

1:30 P.M.

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

Index

O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Appreciation

Hunter, Reverend David L. (R 2221-02) 2408

Appropriations

Enterprise Funds (\$13,380,985) — Debt Service Funds (\$26,945,000) (O 2104-02)..... 2425
 General Fund (\$3,265,671) — Internal Service Funds (\$1,846,151) — Special Revenue Funds (\$3,482,216) (O 2105-02) 2425
 Maplewood Park — 17810 Midvale Avenue — appropriate property (R 2186-02) 2423

Board of Building Standards and Building Appeals

Abington Road, 2119, (Ward 9) — Case Western Reserve University, owner — appeal resolved on 11/06/02 (Doc. A-166-02)..... 2430
 Carnegie Avenue, 6512, (Ward 5) — Accurate Plating Company c/o Charles A. Foley, owner — appeal rescheduled to 02/06/03 on 11/06/02 (Doc. A-137-02)..... 2430
 Cedar Avenue, 7709, (Ward 3) — Helen Roberts, owner — appeal rescheduled to 11/23/02 on 11/06/02 (Doc. A-136-02) 2430
 Columbus Road, 1852, (Ward 13) — Eighteen Fifty Properties Ltd., owner — appeal resolved on 11/06/02 (Doc. A-142-02)..... 2430
 Cornell Road, 2033, (Ward 9) — University Hospitals Health System, owner — appeal rescheduled to 11/20/02 on 11/06/02 (Doc. A-159-02) 2430
 Douse Avenue, 4460, (Ward 13) — S. Christine Baumgartner, et al., owner — appeal adopted on 11/06/02 (Doc. A-131-02)..... 2431
 East 105th Street, 1387, (Ward 9) — Evelyn B. Rowsers (Deceased) c/o Tera Robinson, owner — appeal rescheduled to 11/23/02 on 11/06/02 (Doc. A-135-02)..... 2430
 Euclid Avenue, 2044, (Ward 13) — 2044 Euclid Partners, owners — appeal resolved on 11/06/02 (Doc. A-141-02) 2430
 Franklin Boulevard, 3207, (Ward 13) — Ohio City Elderly, LP, owner — appeal resolved on 11/06/02 (Doc. A-153-02) 2430
 Grand Avenue, 2801, (Ward 5) — Northcoast Developers, Inc., owner — appeal rescheduled to 11/23/02 on 11/06/02 (Doc. A-130-02)..... 2430
 Herman Avenue, 5303-15, (Ward 17) — City Life Development, Inc., owners — appeal adopted on 11/06/02 (Doc. A-156-02)..... 2431
 Huss Avenue, 5717, (a.k.a. 5717-21 Huss Avenue), (Ward 12) — GRA Properties & Investment Inc., owner — appeal adopted on 11/06/02 (Doc. A-138-02)..... 2431
 Jay Avenue, 2515, (Ward 13) — Charles Minadeo, owner — appeal resolved on 11/6/02 (Doc. A-123-02) 2430
 Lakeside Avenue, 2100, (Ward 13) — The Salvation Army, owner — appeal adopted on 11/06/02 (Doc. A-160-00) 2431
 North Marginal Road, 5451, (Ward 13) — Quay 55 Limited Partnership, owner — appeal resolved on 11/06/02 (Doc. A-170-02)..... 2431
 Ridge Road, 3852, (Ward 16) — Adolph & Betty Karafiat, owners — appeal resolved on 11/6/02 (Doc. A-117-02) 2430
 West 25th Street, 1898, (Ward 13) — Mario Marra, owner — appeal adopted on 11/06/02 (Doc. A-134-02)..... 2431
 West 54th Street, 1335-41, (Ward 17) — City Life Development, Inc., owners — appeal adopted on 11/06/02 (Doc. A-157-02) 2431

Board of Control — Burke Lakefront Airport Division

Neighborhood Housing Services of Cleveland, Inc. — concession agreement for Annual Holiday Party — Dec. 5, 2002 — Dept. of Port Control (BOC Res. 723-02) 2426

Board of Control — Cleveland Hopkins International Airport Division

Apron replacement (Concourse C), design and preparation — approve subcontractors — BOC Res. 903-01 — Dept. of Port Control (BOC Res. 724-02)	2426
Concession Program, Phases I-II — contract per Ord. 710-95 to The Center for Airport Management, LLC — Dept. of Port Control (BOC Res. 730-02).....	2428

Board of Control — Community Development Department

Barber Avenue (Ward 14) — PPN 008-01-149 — to Carol A. Bunch (BOC Res. 728-02)	2427
East 117th Street, 3542 (Ward 3) — PPN 137-01-086 — to Donna Rozier (BOC Res. 727-02).....	2427
West 18th Street, 2092, 2086, 2082 (Ward 13) — PPN 004-02-056/057/058 — to Rosemary M. Vinci (BOC Res. 729-02).....	2427

Board of Control — Concession Agreement

Neighborhood Housing Services of Cleveland, Inc. — concession agreement for Annual Holiday Party — Dec. 5, 2002 — Division of Burke Lakefront Airport, Dept. of Port Control (BOC Res. 723-02)	2426
--	------

Board of Control — Finance Department

Janitorial supplies — contract per Ord. 2024-01 to Graham Enterprises, d.b.a., Aries Distribution, Inc. (BOC Res. 721-02)	2426
--	------

Board of Control — Land Reutilization Program

Barber Avenue (Ward 14) — PPN 008-01-149 — to Carol A. Bunch (BOC Res. 728-02)	2427
East 117th Street, 3542 (Ward 3) — PPN 137-01-086 — to Donna Rozier (BOC Res. 727-02).....	2427
West 18th Street, 2092, 2086, 2082 (Ward 13) — PPN 004-02-056/057/058 — to Rosemary M. Vinci (BOC Res. 729-02).....	2427

Board of Control — Land Reutilization Program (Ward 3)

East 117th Street, 3542 (Ward 3) — PPN 137-01-086 — to Donna Rozier (BOC Res. 727-02).....	2427
--	------

Board of Control — Land Reutilization Program (Ward 13)

West 18th Street, 2092, 2086, 2082 (Ward 13) — PPN 004-02-056/057/058 — to Rosemary M. Vinci (BOC Res. 729-02).....	2427
--	------

Board of Control — Land Reutilization Program (Ward 14)

Barber Avenue (Ward 14) — PPN 008-01-149 — to Carol A. Bunch (BOC Res. 728-02)	2427
--	------

Board of Control — Port Control Department

Apron replacement (Concourse C), design and preparation — approve subcontractors — BOC Res. 903-01 — Division of Cleveland Hopkins International Airport (BOC Res. 724-02)	2426
Boiler, maintenance and repair — contract per Ord. 941-02 to Cyngier Systems Management, Inc. — rejected (BOC Res. 722-02)	2426
Boiler, maintenance and repair — contract per Ord. 941-02 to Cyngier Systems Management, Inc. (BOC Res. 731-02)	2428
Concession Program, Phases I-II — contract per Ord. 710-95 to The Center for Airport Management, LLC — Division of Cleveland Hopkins International Airport (BOC Res. 730-02)	2428
Neighborhood Housing Services of Cleveland, Inc. — concession agreement for Annual Holiday Party — Dec. 5, 2002 — Division of Burke Lakefront Airport (BOC Res. 723-02)	2426

Board of Control — Professional Service Contracts

Apron replacement (Concourse C), design and preparation — approve subcontractors — BOC Res. 903-01 — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 724-02)	2426
Concession Program, Phases I-II — contract per Ord. 710-95 to The Center for Airport Management, LLC — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 730-02)	2428

Board of Control — Public Service Department

Rock salt — contract per Ord. 1374-02 and 1938-02 to Cargill, Incorporated — Salt Division — Division of Streets (BOC Res. 725-02)	2426
Rock salt, piled and liquid deicer — per Ord. 1374-02 and 1938-02 — all bids rejected - Division of Streets (BOC Res. 726-02)	2427

Board of Control — Requirement Contracts

Boiler, maintenance and repair — contract per Ord. 941-02 to Cyngier Systems Management, Inc. — rejected — Dept. of Port Control (BOC Res. 722-02) 2426

Boiler, maintenance and repair — contract per Ord. 941-02 to Cyngier Systems Management, Inc. — Dept. of Port Control (BOC Res. 731-02)..... 2428

Janitorial supplies — contract per Ord. 2024-01 to Graham Enterprises, d.b.a., Aries Distribution, Inc. — Dept. of Finance (BOC Res. 721-02) 2426

Rock salt — contract per Ord. 1374-02 and 1938-02 to Cargill, Incorporated — Salt Division — Division of Streets, Dept. of Public Service (BOC Res. 725-02) 2426

Board of Control — Streets Division

Rock salt — contract per Ord. 1374-02 and 1938-02 to Cargill, Incorporated — Salt Division — Dept. of Public Service (BOC Res. 725-02)..... 2426

Rock salt, piled and liquid deicer — per Ord. 1374-02 and 1938-02 — all bids rejected - Dept. of Public Service (BOC Res. 726-02) 2427

Board of Zoning Appeals — Report

East 160th Street, 397, (Ward 11) — Northeast Shores Development Corporation, owners c/o Kurt Weaver, agent — appeal heard on 11/11/02 (Cal. 02-309) 2429

East 185th Street, 770, (Ward 11) — Musca Properties, LLC, c/o Joe Musca, owner and Al Bucco, tenant — appeal granted and adopted on 11/11/02 (Cal. 02-288) 2429

East 89th Street, 2165, (Ward 6) — E.F. Boyd & Sons, owner and Donald Geitz, agent — appeal granted and adopted on 11/11/02 (Cal. 02-300)..... 2429

Euclid Avenue, 7000, (Ward 5) — H&K Kim, LLC, owner c/o Hea-Sung Kim — appeal granted and adopted on 11/11/02 (Cal. 02-266) 2429

Highland Road, 3715, (Ward 19) — David Hinz, owner — appeal postponed to 12/2/02 on 11/11/02 (Cal. 02-306)..... 2429

Lakeshore Boulevard, 17600, (Ward 11) — Ante Susnjara, owner, and Sarah Kennedy, prospective purchaser — appeal heard on 11/11/02 (Cal. 02-271)..... 2429

Lawn Avenue, 6311, (Ward 17) — St. Colman Church and Diocese of Cleveland, owners c/o Maryellen Staab — appeal heard on 11/11/02 (Cal. 02-304) 2429

Lorain Avenue, 9600, (Ward 18) — Sunbeam Partners, owner c/o Mark Heyduk — appeal granted and adopted on 11/11/02 (Cal. 02-287)..... 2429

Miles Avenue, 12512, (Ward 2) — Carol Williams, owner — appeal granted and adopted on 11/11/02 (Cal. 02-299) 2429

Orville Avenue, 11307, (Ward 9) — Eloise Miller, owner — appeal heard on 11/11/02 (Cal. 02-301)..... 2429

Puritas Avenue, 14500, (Ward 20) — Paul Haddad, owner and Whitey Miller, tenant — appeal denied and adopted on 11/11/02 (Cal. 02-238) 2429

Superior Avenue, 11010-12, (Ward 9) — Louis Lee, owner — appeal postponed to 12/2/02 on 11/11/02 (Cal. 02-308) 2429

Tarkington Avenue, 17528, (Ward 1) — Lisa Wallace, owner — appeal denied and adopted on 11/11/02 (Cal. 02-202) 2429

West 100th Street, 3559, (Ward 18) — Linda Moore, owner — appeal heard on 11/11/02 (Cal. 02-307)..... 2429

West 25th Street, 2074, (Ward 14) — Melvin S. and Daryl B. Ross, owners and Natalie Roelle, tenant — appeal granted and adopted on 11/11/02 (Cal. 02-286) 2429

West 45th Street, 1845, (Ward 13) — Ryan McKenzie, owner — appeal heard on 11/11/02 (Cal. 02-215)..... 2429

West 5th Street, 2262 (Unit #12), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-289) 2429

West 5th Street, 2266 (Unit #11), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-290) 2429

West 5th Street, 2272 (Unit #10), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-291) 2429

West 5th Street, 2278 (Unit #9), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-292) 2429

West 5th Street, 2282 (Unit #8), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-293) 2429

West 5th Street, 2286 (Unit #7), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-294) 2429

West 5th Street, 2292 (Unit #6), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-295) 2429

West 5th Street, 2298 (Unit #5), (Ward 13) — Lori Properties, owner, c/o Douglas Wahl, agent — appeal granted and adopted on 11/11/02 (Cal. 02-296) 2429

West 65th Street, 2059, (Ward 17) — St. Colman Church and Diocese of Cleveland, owners c/o Maryellen Staab — appeal heard on 11/11/02 (Cal. 02-303) 2429

Board of Zoning Appeals — Schedule

Fulton Road, 3196-3198, (Ward 14) — Ripepi Funeral Home, Inc., owner c/o Tony Ripepi — appeal to be heard on 11/25/02 (Cal. 02-322)	2429
Lorain Avenue, 11011, (Ward 19) — The 11011 Lorain Avenue Associates, owner, and Murray's Discount Auto Sales, tenant c/o Sheryl Basner, agent — appeal to be heard on 11/25/02 (Cal. 02-319)	2428
Neff Road, 17414, (Ward 11) — John Chipko, owner — appeal to be heard on 11/25/02 (Cal. 02-323)	2429
South Moreland Boulevard, 2902, (Ward 4) — Gary Rhodes, owner c/o David Hogan, agent — appeal to be heard on 11/25/02 (Cal. 02-318)	2428
St. Clair Avenue, 8837, (Ward 8) — Church of Christ Sowinski Incorporated, owner c/o Donald Nelson, agent — appeal to be heard on 11/25/02 (Cal. 02-320)	2428
Stickney Avenue, 5700, (Ward 16) — Ray Shepard, owner — appeal to be heard on 11/25/02 (Cal. 02-321)	2428
Union Avenue, 11626, (Ward 3) — Shorebank Cleveland Corporation, owners — appeal to be heard on 11/25/02 (Cal. 02-317)	2428
West 14th Street, 2587, (Ward 13) — St. George Antiochian Orthodox Church, owner c/o Joseph Hollis, agent — appeal to be heard on 11/25/02 (Cal. 02-324)	2429

Boys and Girls Clubs of Greater Cleveland

Broadway Youth Program — grant agreement — Ward 12 Neighborhood Equity Funds (O 2194-02)	2423
--	------

Budget Commission

Tax amounts and rate — determined — Budget Commission — tax levies — County Auditor (R 2185-02)	2420
---	------

Burke Lakefront Airport

Grand Prix auto races — Lease By Way of Concession — IMG Motorsports Cleveland, Inc. (O 2157-02).....	2410
---	------

Case Western Reserve University

Aims Achievement Anticipation — Annual Report 2001-2002 (F 2139-02).....	2407
--	------

City Council

City-business functions — extension of credit — register, travel and/or lodging arrangements — members and/or staff of City Council (O 2192-02)	2422
Computer assisted legal and other research databases — subscription & license (O 2193-02)	2422

City of Cleveland Bids

Burials for indigent dead — Department of Public Health — per Ord. 680-02 — bid due November 20, 2002 (advertised 11/6/2002 and 11/13/2002)	2431
Computer related hardware equipment — Department of Finance — per Ord. 1936-02 — bid due November 22, 2002 (advertised 11/6/2002 and 11/13/2002)	2431
Crown Water Works plant residual handling system — Department of Public Utilities — Division of Water — per Ord. 2361-01 — bid due December 18, 2002 (advertised 11/6/2002 and 11/13/2002).....	2431
Cushman equipment parts and labor — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 912-02 — bid due November 21, 2002 (advertised 11/6/2002 and 11/13/2002).....	2431
Drill, Paper, high capacity — Department of Finance — Division of Printing and Reproduction — per Ord. 1712-02 — bid due December 4, 2002 (advertised 11/13/2002 and 11/20/2002)	2432
Fire boat rehabilitation — Department of Public Service — Division of Motor Vehicle Maintenance — per Ord. 1262-02 — bid due November 27, 2002 (advertised 11/13/2002 and 11/20/2002)	2432
Insulators, bushings and lighting arrestors, clean and test — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 1075-02 — bid due November 27, 2002 (advertised 11/13/2002 and 11/20/2002).....	2431
Noise walls and landscaping at various CSX sites — Department of Public Service — Division of Engineering and Construction — per Ord. 1398-2000 — bid due December 12, 2002 (advertised 11/13/2002 and 11/20/2002)	2432
Press, Envelope, high speed — Department of Finance — Division of Printing and Reproduction — per Ord. 1715-02 — bid due December 4, 2002 (advertised 11/13/2002 and 11/20/2002)	2432
Printer / Scanner system, large format — Department of Finance — Division of Printing and Reproduction — per Ord. 1711-02 — bid due December 4, 2002 (advertised 11/13/2002 and 11/20/2002)	2432
Residential Sound Insulation Program (RSIP), Phase II, Group G-02 — Department of Port Control — Division of Cleveland Hopkins International Airport — per Ord. 930-95, 469-98 and 327-2000 — bid due December 11, 2002 (advertised 11/13/2002 and 11/20/2002).....	2432
Typewriter maintenance — Department of Finance — per Ord. 1061-02 — bid due November 20, 2002 (advertised 11/6/2002 and 11/13/2002).....	2431

City Planning Commission

Gospel Press Building — Cleveland Landmark (O 2184-02).....	2419
John Edwards House — designating — Cleveland Landmark (O 1728-02).....	2424
W. 20th St., W. & Abbey Ave., N. — change the zoning (O 1730-02).....	2431

Clerk of Council

City-business functions — extension of credit — register, travel and/or lodging arrangements — members and/or staff of City Council (O 2192-02).....	2422
Computer assisted legal and other research databases — subscription & license (O 2193-02).....	2422

Cleveland Hopkins International Airport

Spray paint booth — purchase (O 2158-02).....	2410
---	------

Cleveland Public Schools

Louis Agassiz Elementary School — Cleveland Landmark (O 2183-02).....	2419
---	------

Codified Ordinances

James H. Walker Construction Management Training Course — enact Sec. 187.16 — Director of the Office of Equal Opportunity (O 1850-02).....	2424
Soliciting, riding in cargo storage area, on tailgate or on outside of vehicle (Highway) — amend Section 471.06 (Ord. 1217-02) (O 1534-02).....	2424

Communications

Aims Achievement Anticipation — Annual Report 2001-2002 — CWRU (F 2139-02).....	2407
Bedford Heights, City of — Copy of Res. No. 2002-128 (F 2142-02).....	2407
East Cleveland, City of — copy of Res. NO. 169-02 re: September 11th "Safety Forces Appreciation Day" (F 2143-02).....	2407
Fire Apparatus L-20 and L-30 — repair — Mayor's Emergency Requisition/Purchase order (F 2138-02).....	2407
Fire Station No. 6 — Re-Roofing — Mayor's Emergency Requisition/Purchase order (F 2137-02).....	2407
Lorain, City of — copy of Res. No. 48-02 — re: Cargill Deicing Technology (F 2144-02).....	2407
Noise Mitigation — Project No. 3-39-0023-6102 — copy of Grant Agreement (F 2140-02).....	2407
Taxiway improvements — Copy of grant application for federal assistance (F 2141-02).....	2407

Community Development

Abandoned rail line — surveying services — KS Associates, Inc. (O 2176-02).....	2416
Boys and Girls Clubs of Greater Cleveland — grant agreement — Broadway Youth Program — Ward 12 Neighborhood Equity Funds (O 2194-02).....	2423
Deering Ave. & E. 109th St. — sell City-owned property — University Circle, Inc. (O 2173-02).....	2414
Douse Ave., 4493 — Land Reutilization Program — Debra A. Liuzzo (O 2177-02).....	2416
E. 123rd St., 3307 — Land Reutilization Program — Edward Blackshear, Jr. (O 2178-02).....	2416
Goodwill Industries of Greater Cleveland — grant agreement — 1st Annual Disability Awareness Day — Ward 9 Neighborhood Equity Funds (O 2190-02).....	2421
Second mortgage assistance — house financing — Ward 2 Neighborhood Equity Funds (O 2195-02).....	2423
Senior Citizens Resources, Inc — agreement — Holiday Meals Program — Ward 15 Neighborhood Equity Funds (O 2191-02).....	2422
Superior Ave. — Land Reutilization Program — Temple of Deliverance Baptist Church (O 2175-02).....	2415
Thames Ave. — Land Reutilization Program — Greater Bethel African Methodist Episcopal Church (O 2174-02).....	2415
Union Ave., 9406 — Land Reutilization Program — Full Life Church of God in Christ, Inc. (O 2179-02).....	2417

Condolences

Crayton, Rev. Dr. Warner C., Sr. (R 2206-02).....	2408
Fasino, James A. (R 2209-02).....	2408
Hessoun, Dorothy J. (R 2201-02).....	2408
Hudak, Marge (R 2210-02).....	2408
Lawson, Eugene Jr. (R 2204-02).....	2408
Lee, Mrs. Cleo (R 2208-02).....	2408

Mims, Howard Dr. (R 2205-02)	2408
Negron, Ray (R 2211-02)	2408
Rollins, Gloria Jean (R 2203-02)	2408
Sienkiewicz, Henry (R 2200-02)	2408
Williams, Elizabeth (R 2207-02)	2408
Wright, Eugene (R 2202-02)	2408

Congratulations

Berkes, Eileen (R 2214-02)	2408
Cleveland Church of Christ Citadel of Hope Ministries (R 2218-02)	2408
Ray, Genevieve & Shapiro, Henry (R 2215-02)	2408
Sanders, Mary S. (R 2216-02)	2408
Ward, Pastor Bobby C. (R 2212-02)	2408
Williams, Dr. A. E. (R 2213-02)	2408
Women's Center of Greater Cleveland (R 2217-02)	2408

Contracts

3500 Group, Ltd. — amendment to Contract No. 58227 — Economic Development (O 1892-02)	2425
Abandoned rail line — surveying services — KS Associates, Inc. (O 2176-02)	2416
Financial audit — Department of Finance — Ohio Auditor of State (O 2153-02)	2408

County Auditor

Tax amounts and rate — determined — Budget Commission — tax levies — County Auditor (R 2185-02)	2420
--	------

Debt Service Funds

Enterprise Funds (\$13,380,985) — Debt Service Funds (\$26,945,000) — appropriations (O 2104-02)	2425
General Fund (\$7,600,904) — Special Revenue Fund (\$45,000) — Enterprise Fund (\$35,000) — Debt Service Fund (\$5,000) — transfer within various divisions (O 2106-02)	2425

Economic Development Department

3500 Group, Ltd. — amendment to Contract No. 58227 — Economic Development (O 1892-02)	2425
HS Processing Limited Partnership and Heidtman Steel Products, Inc. — Enterprise Zone Agreement — steel processing and distribution facility — Cuyahoga River (east) (O 2180-02)	2417
MidTown Technology Partners, LLC — Empowerment Zone Section 108 loan & Economic Development Initiative Grant Agreement — E. 57th St. & E. 61st St. (O 2181-02)	2418
MidTown Technology Partners, LLC — Enterprise Zone Agreement — E. 57th St. & E. 61st St. (O 2182-02)	2418
New Village Corporation — Family Dollar store — Fries & Schuele Building — Enterprise Zone Agreement (O 1929-02)	2425
Solomon Enterprises Ltd. — barber college — Empowerment Zone Section 108 loan — Development Initiative Grant Agreement (O 1927-02)	2425
Solomon Enterprises Ltd. — new building — barber college — Enterprise Zone Agreement (O 1928-02)	2425

Emergency Purchases

Fire Apparatus L-20 and L-30 — repair (F 2138-02)	2407
Fire Station No. 6 — Re-Roofing (F 2137-02)	2407

Empowerment Zone

MidTown Technology Partners, LLC — Empowerment Zone Section 108 loan & Economic Development Initiative Grant Agreement — E. 57th St. & E. 61st St. (O 2181-02)	2418
Solomon Enterprises Ltd. — barber college — Empowerment Zone Section 108 loan — Development Initiative Grant Agreement (O 1927-02)	2425

Enterprise Funds

Appropriations — Enterprise Funds (\$13,380,985) — Debt Service Funds (\$26,945,000) (O 2104-02)	2425
General Fund (\$7,600,904) — Special Revenue Fund (\$45,000) — Enterprise Fund (\$35,000) — Debt Service Fund (\$5,000) — transfer within various divisions (O 2106-02)	2425

Enterprise Zone Agreement

HS Processing Limited Partnership and Heidtman Steel Products, Inc. — steel processing and distribution facility — Cuyahoga River (east) (O 2180-02).....2417

MidTown Technology Partners, LLC — Empowerment Zone Section 108 loan & Economic Development Initiative Grant Agreement — E. 57th St. & E. 61st St. (O 2181-02).....2418

MidTown Technology Partners, LLC — E. 57th St. & E. 61st St. (O 2182-02).....2418

New Village Corporation — Family Dollar store — Fries & Schuele Building (O 1929-02).....2425

Solomon Enterprises Ltd. — new building — barber college (O 1928-02).....2425

Finance Department

Citywide telephone, telecommunications network and wireless assessment (O 2152-02).....2408

Enterprise Funds (\$13,380,985) — Debt Service Funds (\$26,945,000) — appropriations (O 2104-02).....2425

Financial audit — Department of Finance — contract — Ohio Auditor of State (O 2153-02).....2408

Funding sources — amend the sections of various ordinances (O 2154-02).....2408

General Fund (\$3,265,671) — Internal Service Funds (\$1,846,151) — Special Revenue Funds (\$3,482,216) — appropriations (O 2105-02).....2425

General Fund (\$7,600,904) — Special Revenue Fund (\$45,000) — Enterprise Fund (\$35,000) — Debt Service Fund (\$5,000) — transfer within various divisions (O 2106-02).....2425

Tax amounts and rate — determined — Budget Commission — tax levies — County Auditor (R 2185-02).....2420

Fire Division

FEMA Assistance to Firefighters, 2003 — grant — Federal Emergency Management Agency (O 2171-02).....2414

Funds

Enterprise Funds (\$13,380,985) — Debt Service Funds (\$26,945,000) — appropriations (O 2104-02).....2425

Funding sources — amend the sections of various ordinances (O 2154-02).....2408

General Fund (\$3,265,671) — Internal Service Funds (\$1,846,151) — Special Revenue Funds (\$3,482,216) — appropriations (O 2105-02).....2425

General Fund (\$7,600,904) — Special Revenue Fund (\$45,000) — Enterprise Fund (\$35,000) — Debt Service Fund (\$5,000) — transfer within various divisions (O 2106-02).....2425

General Fund

Appropriations — General Fund (\$3,265,671) — Internal Service Funds (\$1,846,151) — Special Revenue Funds (\$3,482,216) (O 2105-02).....2425

Transfer within divisions — General Fund (\$7,600,904) — Special Revenue Fund (\$45,000) — Enterprise Fund (\$35,000) — Debt Service Fund (\$5,000) (O 2106-02).....2425

Grants

FEMA Assistance to Firefighters, 2003 — Federal Emergency Management Agency (O 2171-02).....2414

Hermes Race Systems

Turkey Trot Race — permit (O 2189-02).....2421

Insurance

Police helicopters (2) — aviation insurance — Division of Police (O 2172-02).....2421

Internal Service Funds

Appropriations — General Fund (\$3,265,671) — Internal Service Funds (\$1,846,151) — Special Revenue Funds (\$3,482,216) (O 2105-02).....2425

Land Reutilization Program

Douse Ave., 4493 — Debra A. Liuzzo (O 2177-02)	2416
E. 123rd St., 3307 — Edward Blackshear, Jr. (O 2178-02)	2416
Superior Ave. — Temple of Deliverance Baptist Church (O 2175-02)	2415
Thames Ave. — Greater Bethel African Methodist Episcopal Church (O 2174-02)	2415
Union Ave., 9406 — Full Life Church of God in Christ, Inc. (O 2179-02)	2417

Landmark Commission

Gospel Press Building — Cleveland Landmark (O 2184-02)	2419
John Edwards House — designating — Cleveland Landmark (O 1728-02)	2424
Louis Agassiz Elementary School — Cleveland Landmark (O 2183-02)	2419

Lease by Way of Concession

Grand Prix auto races — Lease By Way of Concession — IMG Motorsports Cleveland, Inc. (O 2157-02)	2410
---	------

Liquor Permits

Broadview Rd., 2039 — objection withdraw (Ward 16) (R 2198-02)	2424
Dolloff Rd., 5353 — transfer (Ward 5) (F 2149-02)	2408
Harvard Ave., 14720 — objection withdraw (Ward 1) (R 2196-02)	2423
Lakewood Hts. Blvd., 13501 — new (Ward 19) (F 2145-02)	2407
Main Ave., 1148 — transfer (Ward 13) (F 2148-02)	2408
Valley Rd., 4059 — transfer (Ward 15) (F 2147-02)	2407
Wade Park Ave., 9200 — objection withdraw (Ward 7) (R 2197-02)	2423
Yale Ave., 9301 — new (Ward 8) (F 2146-02)	2407

Medicare

Prescription drug program — Ohio's Medicaid supplemental rebate —proposal for management of program (R 2199-02)	2424
--	------

Misc. Resolutions

311/Reverse 911 System — urge use for safety initiator — pilot program (R 2187-02)	2420
--	------

Motor Vehicle Maintenance Division (MVM)

Automotive paint — purchase (O 2169-02)	2413
Barber Greene road paver and Caterpillar construction equipment parts — purchase (O 2164-02)	2412
Blaw Knox Paver and Galion-Dresser-Komatsu construction equipment parts — purchase — Columbus Equipment Co. (O 2163-02)	2412
Case and Grad-All construction equipment parts — purchase — Southeastern Equipment Co., Inc. (O 2165-02)	2412
Crane Carrier cab and chassis parts — purchase — Brom Truck, Inc. (O 2162-02)	2411
Hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers — repair (O 2168-02)	2413
Police motorcycles — repair (O 2167-02)	2413
Radiators, heater cores, gas tanks, and air conditioning units — repair, clean, recore or replace (O 2166-02)	2412
Recapping — purchase (O 2170-02)	2414

Neighborhood Equity Funds

Boys and Girls Clubs of Greater Cleveland — grant agreement — Broadway Youth Program — Ward 12 (O 2194-02)	2423
Funding sources — amend the sections of various ordinances (O 2154-02)	2408
Goodwill Industries of Greater Cleveland — grant agreement — 1st Annual Disability Awareness Day — Ward 9 (O 2190-02)	2421
Second mortgage assistance — house financing — Ward 2 (O 2195-02)	2423
Senior Citizens Resources, Inc — agreement — Holiday Meals Program — Ward 15 (O 2191-02)	2422

Office of Equal Opportunity

James H. Walker Construction Management Training Course — enact Sec. 187.16 (O 1850-02)	2424
--	------

Parks, Recreation and Properties Department

Alexander Graham Bell Elementary School Playground Improvements — Contract PI #59736 (F 2150-02)	2408
Maplewood Park — 17810 Midvale Avenue — appropriate property (R 2186-02)	2423
Sterling Recreation Center Site Improvements — Contract PI #59099 (F 2151-02)	2408

Permits

Detroit/Superior Bridge Bikeway Project — right-of-way — Cuyahoga County Engineer's Office (O 2159-02)	2410
F C I, Inc. — right-of-way — Giles Road — employees parking lot, head-in visitor/customer parking lot (O 2161-02)	2411
Turkey Trot Race — Hermes Race System (O 2189-02)	2421

Personnel Department

Military leave — group health and life insurance coverage — continuation (O 2188-02)	2419
Part-Time/Seasonal Group — amend Sec. 42 — compensation (O 1890-02)	2425

Police Division

Police helicopters (2) — aviation insurance (O 2172-02)	2421
---	------

Port Control Department

Grand Prix auto races — Lease By Way of Concession — IMG Motorsports Cleveland, Inc. (O 2157-02)	2410
Noise Mitigation — Project No. 3-39-0023-6102 — copy of Grant Agreement (F 2140-02)	2407
Sanitary line and collection berm extension — construction — Centralized Deicing Facility, Phase Ia (O 2156-02)	2410
Spray paint booth — purchase — Division of Cleveland Hopkins International Airport (O 2158-02)	2410
Taxiway improvements — Copy of grant application for federal assistance (F 2141-02)	2407

Public Hearings (Notices)

W. 20th St., W. & Abbey Ave., N. — change the zoning (O 1730-02)	2431
--	------

Purchases and Supplies Division

Deering Ave. & E. 109th St. — sell City-owned property — University Circle, Inc. (O 2173-02)	2414
Fire Apparatus L-20 and L-30 — repair — Mayor's Emergency Requisition/Purchase order (F 2138-02)	2407
Fire Station No. 6 — Re-Roofing — Mayor's Emergency Requisition/Purchase order (F 2137-02)	2407

Recognition

Bibb, Sgt. Frank Lee, Jr. (R 2219-02)	2408
Carter, Charles (R 2220-02)	2408

Resolutions — Miscellaneous

Clean Water Act — storm water management projects — more federal funds — urging President (R 1944-02)	2432-R
Prescription drug program — Ohio's Medicaid supplemental rebate —proposal for management of program (R 2199-02)	2424
Sewer overflow mandates — enable entities to comply (R 1935-02)	2432-R

Right-of-Way

Detroit/Superior Bridge Bikeway Project — permit — Cuyahoga County Engineer's Office (O 2159-02)	2410
F C I, Inc. — permit — Giles Road — employees parking lot, head-in visitor/customer parking lot (O 2161-02)	2411

Safety Department

311/Reverse 911 System — urge use for safety initiator — pilot program (R 2187-02)	2420
FEMA Assistance to Firefighters, 2003 — grant — Federal Emergency Management Agency (O 2171-02).....	2414
Police helicopters (2) — aviation insurance — Division of Police (O 2172-02).....	2421

Salaries

Part-Time/Seasonal Group — amend Sec. 42 — compensation (O 1890-02)	2425
---	------

Senior Citizen Resources

Holiday Meals Program — agreement — Ward 15 Neighborhood Equity Funds (O 2191-02)	2422
---	------

Service Department

Automotive paint — purchase — Division of Motor Vehicle Maintenance (O 2169-02).....	2413
Barber Greene road paver and Caterpillar construction equipment parts — purchase — Division of Motor Vehicle Maintenance (O 2164-02).....	2412
Blaw Knox Paver and Galion-Dresser-Komatsu construction equipment parts — purchase — Columbus Equipment Co. — Division of Motor Vehicle Maintenance (O 2163-02).....	2412
Case and Grad-All construction equipment parts — purchase — Southeastern Equipment Co., Inc. — Division of Motor Vehicle Maintenance (O 2165-02).....	2412
Concord Court S.W. — vacate (Ward 16) (O 1978-02)	2425
Crane Carrier cab and chassis parts — purchase — Brom Truck, Inc. — Division of Motor Vehicle Maintenance (O 2162-02)	2411
Detroit/Superior Bridge Bikeway Project — right-of-way — permit — Cuyahoga County Engineer's Office (O 2159-02)	2410
Hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers — repair — Division of Motor Vehicle Maintenance (O 2168-02).....	2413
Police motorcycles — repair — Division of Motor Vehicle Maintenance (O 2167-02).....	2413
Radiators, heater cores, gas tanks, and air conditioning units — repair, clean, recore or replace — Division of Motor Vehicle Maintenance (O 2166-02)	2412
Recapping — purchase — Division of Motor Vehicle Maintenance (O 2170-02).....	2414

Sewers

Sewer overflow mandates — enable entities to comply (R 1935-02).....	2432-R
--	---------------

Special Revenue Funds

Appropriations — General Fund (\$3,265,671) — Internal Service Funds (\$1,846,151) — Special Revenue Funds (\$3,482,216) (O 2105-02)	2425
Transfer within divisions — General Fund (\$7,600,904) — Special Revenue Fund (\$45,000) — Enterprise Fund (\$35,000) — Debt Service Fund (\$5,000) (O 2106-02)	2425

State Auditor

Financial audit — Department of Finance — contract — Ohio Auditor of State (O 2153-02).....	2408
--	------

Statement of Work Acceptance

Alexander Graham Bell Elementary School Playground Improvements — Contract PI #59736 (F 2150-02)	2408
Sterling Recreation Center Site Improvements — Contract PI #59099 (F 2151-02).....	2408

Street Vacation

Concord Court S.W. (Ward 16) (O 1978-02)	2425
Kennedy Ave. & E. 92nd St. (Ward 4) (O 2160-02)	2411

Superior Viaduct

Detroit/Superior Bridge Bikeway Project — right-of-way — permit — Cuyahoga County Engineer's Office (O 2159-02)	2410
--	------

Taxes

Tax amounts and rate — determined — Budget Commission — tax levies — County Auditor (R 2185-02)	2420
--	------

Utilities Department

Disposal of catch basin debris — purchase — Division of Water Pollution Control (O 2155-02).....	2409
---	------

Ward 01

Harvard Ave., 14720 — objection withdraw — liquor permit (R 2196-02).....	2423
Williams, Elizabeth — condolence (R 2207-02)	2408

Ward 02

Second mortgage assistance — house financing — Neighborhood Equity Funds (O 2195-02).....	2423
---	------

Ward 03

E. 123rd St., 3307 — Land Reutilization Program — Edward Blackshear, Jr. (O 2178-02)	2416
Union Ave., 9406 — Land Reutilization Program — Full Life Church of God in Christ, Inc. (O 2179-02).....	2417

Ward 04

Kennedy Ave. & E. 92nd St. — vacate (O 2160-02)	2411
---	------

Ward 05

Bibb, Sgt. Frank Lee, Jr. — recognition (R 2219-02).....	2408
Carter, Charles — recognition (R 2220-02)	2408
Dolloff Rd., 5353 — transfer — liquor permit (F 2149-02).....	2408
Douse Ave., 4493 — Land Reutilization Program — Debra A. Liuzzo (O 2177-02).....	2416
Hessoun, Dorothy J. — condolence (R 2201-02)	2408
Lawson, Eugene Jr. — condolence (R 2204-02)	2408
MidTown Technology Partners, LLC — Empowerment Zone Section 108 loan & Economic Development Initiative Grant Agreement — E. 57th St. & E. 61st St. (O 2181-02)	2418
MidTown Technology Partners, LLC — Enterprise Zone Agreement — E. 57th St. & E. 61st St. (O 2182-02)	2418
Mims, Howard Dr. — condolence (R 2205-02).....	2408
Rollins, Gloria Jean — condolence (R 2203-02)	2408
Solomon Enterprises Ltd. — barber college — Empowerment Zone Section 108 loan — Development Initiative Grant Agreement (O 1927-02)	2425
Solomon Enterprises Ltd. — new building — barber college — Enterprise Zone Agreement (O 1928-02).....	2425

Ward 06

Deering Ave. & E. 109th St. — sell City-owned property — University Circle, Inc. (O 2173-02)	2414
Wright, Eugene — condolence (R 2202-02)	2408

Ward 07

Lawson, Eugene Jr. — condolence (R 2204-02)	2408
Mims, Howard Dr. — condolence (R 2205-02).....	2408
Wade Park Ave., 9200 — objection withdraw — liquor permit (R 2197-02).....	2423
Ward, Pastor Bobby C. — congratulation (R 2212-02).....	2408

Ward 08

Cleveland Church of Christ Citadel of Hope Ministries — congratulation (R 2218-02).....	2408
Lee, Mrs. Cleo — condolence (R 2208-02)	2408
Rollins, Gloria Jean — condolence (R 2203-02)	2408
Yale Ave., 9301 — new — liquor permit (F 2146-02).....	2407

Ward 09

Crayton, Rev. Dr. Warner C., Sr. — condolence (R 2206-02)	2408
Deering Ave. & E. 109th St. — sell City-owned property — University Circle, Inc. (O 2173-02)	2414
Goodwill Industries of Greater Cleveland — grant agreement — 1st Annual Disability Awareness Day — Ward 9 Neighborhood Equity Funds (O 2190-02).....	2421
Superior Ave. — Land Reutilization Program — Temple of Deliverance Baptist Church (O 2175-02).....	2415

Ward 10

Hunter, Reverend David L. — appreciation (R 2221-02).....	2408
Thames Ave. — Land Reutilization Program — Greater Bethel African Methodist Episcopal Church (O 2174-02)	2415
Williams, Dr. A. E. — congratulation (R 2213-02)	2408

Ward 11

Hudak, Marge — condolence (R 2210-02).....	2408
--	------

Ward 12

Berkes, Eileen — congratulation (R 2214-02).....	2408
Boys and Girls Clubs of Greater Cleveland — grant agreement — Broadway Youth Program — Ward 12 Neighborhood Equity Funds (O 2194-02).....	2423
Hessoun, Dorothy J. — condolence (R 2201-02).....	2408
Ray, Genevieve & Shapiro, Henry — congratulation (R 2215-02).....	2408
Sanders, Mary S. — congratulation (R 2216-02).....	2408
Sienkiewicz, Henry — condolence (R 2200-02).....	2408

Ward 13

Detroit/Superior Bridge Bikeway Project — right-of-way — permit — Cuyahoga County Engineer's Office (O 2159-02)	2410
Gospel Press Building — Cleveland Landmark (O 2184-02).....	2419
Main Ave., 1148 — transfer — liquor permit (F 2148-02).....	2408
New Village Corporation — Family Dollar store — Fries & Schuele Building — Enterprise Zone Agreement (O 1929-02)	2425
Turkey Trot Race — permit — Hermes Race System (O 2189-02)	2421
W. 20th St., W. & Abbey Ave., N. — change the zoning (O 1730-02)	2431

Ward 14

John Edwards House — designating — Cleveland Landmark (O 1728-02).....	2424
Negron, Ray — condolence (R 2211-02)	2408

Ward 15

Hessoun, Dorothy J. — condolence (R 2201-02).....	2408
Senior Citizens Resources, Inc — agreement — Holiday Meals Program — Ward 15 Neighborhood Equity Funds (O 2191-02)	2422
Valley Rd., 4059 — transfer — liquor permit (F 2147-02)	2407

Ward 16

Broadview Rd., 2039 — objection withdraw — liquor permit (R 2198-02).....	2424
Concord Court S.W. — vacate (O 1978-02).....	2425

Ward 17

Fasino, James A. — condolence (R 2209-02).....	2408
Women's Center of Greater Cleveland — congratulation (R 2217-02).....	2408

Ward 18

Negron, Ray — condolence (R 2211-02)	2408
--	------

Ward 19

Lakewood Hts. Blvd., 13501 — new — liquor permit (F 2145-02)	2407
Louis Agassiz Elementary School — Cleveland Landmark (O 2183-02)	2419

Ward 20

F C I, Inc. — right-of-way — permit — Giles Road — employees parking lot, head-in visitor/customer parking lot (O 2161-02).....	2411
Maplewood Park — 17810 Midvale Avenue — appropriate property (R 2186-02)	2423

Water Pollution Control Division

Disposal of catch basin debris — purchase (O 2155-02)	2409
---	------

Zoning

W. 20th St., W. & Abbey Ave., N. — change the zoning (O 1730-02)	2431
--	------