

The City Record

Official Publication of the City of Cleveland

February the Sixth, Two Thousand and Two

Mayor	
Jane L. Campbell	
President of Council	
Frank G. Jackson	
Clerk of Council	
Ruby F. Moss	
Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	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	18
Board of Control	20
Civil Service	21
Board of Zoning Appeals	22
Board of Building Standards and Building Appeals	23
Public Notices	25
Public Hearings	25
City of Cleveland Bids	25
Adopted Resolutions and Ordinances	26
Committee Meetings	32
Index	33

PRESORTED STANDARD
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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	3232 East 119th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council — Ruby F. Moss, 216 City Hall, 664-2840.
 First Assistant Clerk — Sandra Franklin.

MAYOR — Jane L. Campbell
 Rosalind A. Brewster, Executive Assistant
 Terrell Cole, Executive Assistant
 Erik Janas, Executive Assistant
 Rodney Jenkins, Executive Assistant
 David M. McGuirk, Executive Assistant
 Timothy Mueller, Executive Assistant
 Henry Guzman, Director, Office of Equal Opportunity

DEPT. OF LAW — Richard F. Horvath, Acting Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE — Betsy Hruby, Acting Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit

DIVISIONS: Accounts — Shareen Jackson, Commissioner, Room 19
 Assessments and Licenses — Dedrick Stephens, Commissioner, Room 122
 City Treasury — Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control — Joel Nacion, Acting 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 — Darnell Brown, Acting Director, 1201 Lakeside Avenue

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

DEPT. OF PORT CONTROL — Michael G. Konicek, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Burke Lakefront Airport — Khalid Bahkur, Commissioner
 Cleveland Hopkins International Airport — Fred Szabo, Commissioner

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

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

DEPT. OF PUBLIC HEALTH — Susan E. Axelrod, Acting Director, Mural Building, 1925 St. Clair Avenue

DIVISIONS: Correction — Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
 Environment — Michael Krzywicki, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
 Health — Susan E. Axelrod, Commissioner, Mural Building, 1925 St. Clair Avenue

DEPT. OF PUBLIC SAFETY — David M. McGuirk, Acting Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES — James Glending, Acting Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

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

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

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.

DEPT. OF PERSONNEL AND HUMAN RESOURCES — Eduardo A. Romero, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS — Kenya Taylor, Director

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

CIVIL SERVICE COMMISSION — Room 119, Anne Bloomberg, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Marie Gustavsson-Monago, Cornell P. Carter, Matthew Dotson.

SINKING FUND COMMISSION — Jane L. Campbell, President; Betsy Hruby, Asst. Sec'y.; _____, Director; Council President Frank G. Jackson.

BOARD OF ZONING APPEALS — Room 516, Carol Johnson, Chairman; Members; Margreat Hopkins, Ozell Dobbins, Joan Shaver-Washington, Eugene Cranford, Jr., Secretary.

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

BOARD OF REVISION OF ASSESSMENTS — Law Director Richard F. Horvath, President; Finance Director Betsy Hruby, Secretary; Council President Frank G. Jackson.

BOARD OF SIDE WALK APPEALS — Service Director Mark Ricchiuto; Law Director Richard F. Horvath; Councilman Martin J. Sweeney.

BOARD OF REVIEW — (Municipal Income Tax) — Law Director Richard F. Horvath; Utilities Director Darnell Brown; Council President Frank G. Jackson.

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

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

MORAL CLAIMS COMMISSION — Law Director, Richard F. Horvath; Chairman; Finance Director Betsy Hruby; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS — Samuel Montfort, Chairman; Donald Bauknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

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

CLEVELAND LANDMARKS COMMISSION — Room 519 — Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; N. Kurt Wiebush, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Councilman _____, Robert Keiser, Executive Secretary.

CLEVELAND MUNICIPAL COURT		
JUSTICE CENTER — 1200 ONTARIO STREET		
JUDGE COURTROOM ASSIGNMENTS		
Judge	Presiding and Administrative Judge Larry A. Jones	Courtroom
Judge Ronald B. Adrine		13C
Judge C. Ellen Connally		15A
Judge Sean C. Gallagher		15C
Judge Emanuella Groves		12C
Judge Mabel M. Jasper		12B
Judge Kathleen Ann Keough		14D
Judge Mary E. Kilbane		13D
Judge Ralph J. Perk, Jr.		14C
Judge Raymond L. Pianka (Housing Court Judge)		14B
Judge Angela R. Stokes		13B
Judge Robert J. Triozzi		13A
Judge Joseph J. Zone		14A
		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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 89

WEDNESDAY, FEBRUARY 6, 2002

No. 4600

CITY COUNCIL

MONDAY, FEBRUARY 4, 2002

The City Record
Published weekly under authority
of the Charter of the
City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated
\$6.25 per month
Address all communications to
RUBY F. MOSS
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, Britt, Cimperman, Johnson, O'Malley, 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:** Polensek, Chairman; Jackson, Vice Chairman; Britt, Brady, Coats, Gordon, Reed, Scott, Sweeney, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

1:00 P.M. — **Public Health Committee:** Gordon, Chairman; Zone, Vice Chairman; Cintron, Conwell, Jackson, Polensek, Scott.

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.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 4, 2002.

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

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

Also present were Mayor Campbell and Acting Director Hruby, Acting Director Brown, Acting Director Konicek, Acting Director McGuirk, Acting Director Glending, Director Hudecek, Director Romero, Director Warren, Director Ronayne, Director Taylor, Rosalind A. Brewster, Executive Assistant to the Mayor, Lynnette Jackson, Executive Assistant to the Mayor and Acting Director Langhenry were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Elder Walter H. Filey of Cleveland Church of Christ Citadel of Hope, located at 1055 East 105th Street in Ward 8. Pledge of Allegiance.

MOTION

Motion by Council Member Pierce Scott, seconded by Council Member Cintron, that in the absence of Clerk Ruby F. Moss from the meeting of February 4, 2002, that the Council hereby appoints Sandra Franklin as Clerk Pro Tempore for purposes of the February 4th meeting. Without objection, the motion was approved.

MOTION

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

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 161-02.

Re: New Application — 3047877 — Garmal Economy Store, Inc., 11231 Superior Avenue, first floor. (Ward 9). Received.

File No. 162-02.

Re: New Application — 3528651 — Stephon S. Hall & Maurice Thornton, d.b.a. Retail Crocer, 7104 Superior Avenue. (Ward 7). Received.

File No. 163-02.

Re: Transfer of Ownership Application — 9046086 — Tri Kaf, Inc., d.b.a. Tick Tock Tavern & Restaurant, 5178-80 Pearl Road. (Ward 16). Received.

File No. 164-02.

Re: Transfer of Ownership Application — 08984671104 — BP Products North America, Inc., d.b.a. Site #1104, 2553 Superior Avenue. (Ward 13). Received.

File No. 165-02.

Re: Transfer of Ownership and Location Application — 1746696 — Pinkie Cornell, d.b.a. Speedy's Restaurant, 4025 East 131st Street. (Ward 2). Received.

OATH OF OFFICE

File No. 166-02.

Willie Bess — Acting Commissioner of Environment — Oath of Office. Received.

File No. 167-02.

Reynaldo Galindo — Civil Service Commission — Oath of Office. Received.

PLAT**File No. 168-02.**

Atla Development, LLC. — Subdivision Plat. (Ward 6). Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 169-02—Marjorie K. Wiesbusch.

Res. No. 170-02—Kathleen Finnerthy.

Res. No. 171-02—Mrs. Madden.

Res. No. 172-02—Horace Smith.

Res. No. 173-02—Shirley Babbit.

CONGRATULATION RESOLUTIONS

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

Res. No. 174-02—Meg Patrick.

Res. No. 175-02—Edward Hill.

Res. No. 176-02—Sister M. Rosario Vega.

Res. No. 177-02—Barbara Jean Caffie.

Res. No. 178-02—Joanne Jacobsen.

RECOGNITION RESOLUTION

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

Res. No. 179-02—Lithuania's Independence — 84th Anniversary.

Res. No. 180-02—Detective James A. Butler.

APPRECIATION RESOLUTION

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

Res. No. 181-02—Reverend Walter J. Kovac.

FIRST READING EMERGENCY ORDINANCE REFERRED**Ord. No. 182-02.**

By Councilman Polensek (by departmental request).

An emergency ordinance to make appropriations for the current expenses of the City of Cleveland for the year 2002.

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

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

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2002, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Ninety Two Million Nine Hundred Sixty Nine Thousand Seven Hundred Fifty Dollars (\$492,969,750) from the General Fund;

The sum of Fifty Seven Million Three Hundred Seventy One Thousand Six Hundred Twenty Five Dollars (\$57,371,625) from the Special Revenue Funds;

The sum of Twenty Seven Million Six Hundred Sixty One Thousand Eight Hundred Fifty One Dollars (\$27,661,851) from the Internal Service Funds;

The sum of Five Hundred Twelve Million Five Hundred Ninety Seven Thousand Seven Hundred Forty Seven Dollars (\$512,597,747) from the Enterprise Funds;

The sum of Seven Million Eight Hundred Seven Thousand Three Hundred Ninety One Dollars (\$7,807,391) from the Trust and Agency Funds;

The sum of Forty Nine Million Five Hundred Sixty Thousand Three Hundred Four Dollars (\$49,560,304) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 182-02-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2002**GENERAL FUND**

Legislative Branch	\$ 5,980,914
Municipal Court	\$ 30,197,606
Executive Branch	
Office of the Mayor	2,590,839
Department of Public Safety	286,091,627
Community Relations Board	910,751
Department of Consumer Affairs	279,775
Department of Public Service	38,230,540
Department of Parks, Recreation & Properties	37,413,220
Urban Planning & Development	15,200,580
Department of Public Health	12,462,925
Department of Aging	319,909
Support Functions	38,339,138
Transfers to Other Funds	24,951,926
TOTAL EXECUTIVE BRANCH	\$ 456,791,230
TOTAL GENERAL FUND	\$ 92,969,750
Special Revenue Funds	\$ 7,371,625
Internal Service Funds	27,661,851
Enterprise Funds	512,597,747
Trust and Agency Funds	7,807,391
Debt Service Funds	49,560,304
TOTAL APPROPRIATIONS FOR 2002	\$1,147,968,668

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,980,914
I. Personnel and Related Expenses	\$3,840,016	
II. Other Expenses	2,140,898	
TOTAL LEGISLATIVE BRANCH		\$5,980,914

MUNICIPAL COURT

Municipal Court - Judicial Division		\$17,910,498
I. Personnel and Related Expenses	\$15,761,384	
II. Other Expenses	2,149,114	
Municipal Court - Housing Division		\$2,804,915
I. Personnel and Related Expenses	\$2,587,193	
II. Other Expenses	217,722	
Municipal Court - Clerk's Division		\$9,482,193
I. Personnel and Related Expenses	\$7,375,342	
II. Other Expenses	2,106,851	
TOTAL MUNICIPAL COURT		\$30,197,606

EXECUTIVE BRANCH

Office of the Mayor		\$2,590,839
I. Personnel and Related Expenses	\$2,315,454	
II. Other Expenses	275,385	
TOTAL EXECUTIVE BRANCH		\$2,590,839

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$3,758,000
I. Personnel and Related Expenses	\$3,283,526	
II. Other Expenses	474,474	
Division of Police		\$181,025,148
I. Personnel and Related Expenses	\$170,852,635	
II. Other Expenses	10,172,513	
Division of Fire		\$81,319,831
I. Personnel and Related Expenses	\$78,201,923	
II. Other Expenses	3,117,908	
Division of Emergency Medical Services		\$19,097,076
I. Personnel and Related Expenses	\$17,370,063	
II. Other Expenses	1,727,013	
Division of Dog Pound		\$891,572
I. Personnel and Related Expenses	\$757,765	
II. Other Expenses	133,807	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$286,091,627

COMMUNITY RELATIONS BOARD

Community Relations Board		\$910,751
I. Personnel and Related Expenses	\$801,057	
II. Other Expenses	109,694	
TOTAL COMMUNITY RELATIONS BOARD		\$910,751

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$279,775
I. Personnel and Related Expenses	\$218,075	
II. Other Expenses	61,700	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$279,775

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$489,052
I. Personnel and Related Expenses	\$456,202	
II. Other Expenses	32,850	
Division of Architecture		\$686,776
I. Personnel and Related Expenses	\$647,044	
II. Other Expenses	39,732	
Division of Waste Collection and Disposal		\$27,785,351
I. Personnel and Related Expenses	\$16,074,487	
II. Other Expenses	11,710,864	
Division of Engineering and Construction		\$5,405,601
I. Personnel and Related Expenses	\$4,969,696	
II. Other Expenses	435,905	
Division of Traffic Engineering		\$3,863,760
I. Personnel and Related Expenses	\$3,141,428	
II. Other Expenses	722,332	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$38,230,540

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$807,638
I. Personnel and Related Expenses	\$600,368	
II. Other Expenses	207,270	
Division of Research, Planning, and Development		\$692,874
I. Personnel and Related Expenses	\$596,875	
II. Other Expenses	95,999	
Division of Recreation		\$11,949,847
I. Personnel and Related Expenses	\$8,890,150	
II. Other Expenses	3,059,697	
Division of Parking Facilities-On Street		\$849,834
I. Personnel and Related Expenses	\$791,639	
II. Other Expenses	58,195	
Division of Property Management		\$10,130,115
I. Personnel and Related Expenses	\$8,081,518	
II. Other Expenses	2,048,597	
Division of Park Maintenance and Properties		\$12,982,912
I. Personnel and Related Expenses	\$8,867,934	
II. Other Expenses	4,114,978	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$37,413,220

URBAN PLANNING AND DEVELOPMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT

Division of Administrative Services		\$638,785
I. Personnel and Related Expenses	\$545,671	
II. Other Expenses	93,114	
Division of Building and Housing		\$9,498,225
I. Personnel and Related Expenses	\$8,734,015	
II. Other Expenses	764,210	
Director's Office		\$179,014
I. Personnel and Related Expenses	\$179,014	
Division of Neighborhood Development		\$495,418
I. Personnel and Related Expenses	\$295,418	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$588,558
I. Personnel and Related Expenses	\$588,558	
TOTAL COMMUNITY DEVELOPMENT		\$11,400,000

REGULATORY BOARDS AND COMMISSIONS

Landmarks Commission		\$156,734
I. Personnel and Related Expenses	\$142,267	
II. Other Expenses	14,467	
Board of Building Standards and Appeals		\$100,975
I. Personnel and Related Expenses	\$83,412	
II. Other Expenses	17,563	
Board of Zoning Appeals		\$249,907
I. Personnel and Related Expenses	\$230,048	
II. Other Expenses	19,859	
Board of Examiners of Plumbers and Electricians		\$107,772
I. Personnel and Related Expenses	\$102,960	
II. Other Expenses	4,812	
Fair Campaign Finance Commission		\$9,852
II. Other Expenses	\$9,852	
TOTAL REGULATORY BOARDS		\$625,240

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,394,188
I. Personnel and Related Expenses	\$1,315,455	
II. Other Expenses	78,733	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$1,394,188
Office of Equal Opportunity		\$439,802
I. Personnel and Related Expenses	\$381,825	
II. Other Expenses	57,977	
City Planning Commission		\$1,341,350
I. Personnel and Related Expenses	\$1,228,894	
II. Other Expenses	112,456	
TOTAL URBAN PLANNING AND DEVELOPMENT		\$15,200,580

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$749,576
I. Personnel and Related Expenses	\$635,891	
II. Other Expenses	113,685	
Division of Correction		\$5,840,464
I. Personnel and Related Expenses	\$4,473,870	
II. Other Expenses	1,366,594	
Division of Health		\$3,778,977
I. Personnel and Related Expenses	\$2,523,715	
II. Other Expenses	1,255,262	
Division of Environment		\$2,093,908
I. Personnel and Related Expenses	\$1,313,273	
II. Other Expenses	780,635	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$12,462,925

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$319,909
I. Personnel and Related Expenses	\$197,842	
II. Other Expenses	122,067	
TOTAL DEPARTMENT OF AGING		\$319,909

SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION
DEPARTMENT OF FINANCE

Finance Administration		\$528,338
I. Personnel and Related Expenses	\$455,941	
II. Other Expenses	72,397	
Division of Accounts		\$1,727,316
I. Personnel and Related Expenses	\$1,122,267	
II. Other Expenses	605,049	
Division of Assessments and Licenses		\$1,385,232
I. Personnel and Related Expenses	\$1,121,590	
II. Other Expenses	263,642	
Division of Treasury		\$645,951
I. Personnel and Related Expenses	\$531,498	
II. Other Expenses	114,453	
Division of Purchases and Supplies		\$717,039
I. Personnel and Related Expenses	\$602,612	
II. Other Expenses	114,427	
Bureau of Internal Audit		\$1,327,665
I. Personnel and Related Expenses	\$733,498	
II. Other Expenses	594,167	
Division of Financial Reporting and Control		\$2,431,370
I. Personnel and Related Expenses	\$1,451,524	
II. Other Expenses	979,846	
TOTAL DEPARTMENT OF FINANCE		\$8,762,911
Office of Budget & Management-Budget Admin.		\$681,513
I. Personnel and Related Expenses	\$645,553	
II. Other Expenses	35,960	
Department Law		\$9,476,010
I. Personnel and Related Expenses	\$6,713,074	
II. Other Expenses	2,762,936	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$18,920,434
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,742,713
I. Personnel and Related Expenses	\$1,089,368	
II. Other Expenses	653,345	
Civil Service Commission		\$1,094,208
I. Personnel and Related Expenses	\$714,949	
II. Other Expenses	379,259	
TOTAL PERSONNEL ADMINISTRATION		\$2,836,921
NONDEPARTMENTAL		
County Auditor Deductions		\$1,667,000
II. Other Expenses	\$1,667,000	
Other Administrative		\$14,914,783
II. Other Expenses	\$14,914,783	
TOTAL NONDEPARTMENTAL		\$16,581,783
TOTAL SUPPORT FUNCTIONS		\$38,339,138
TRANSFERS TO OTHER FUNDS		\$24,951,926
II. Other Expenses	\$22,166,695	
TOTAL GENERAL FUND		\$492,969,750

SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$30,334,940
I. Capital	\$15,334,940	
II. Debt Service	15,000,000	
Street Construction, Maintenance & Repair Fund		\$25,036,685
I. Personnel and Related Expenses	\$15,196,515	
II. Other Expenses	9,840,170	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$57,371,625

INTERNAL SERVICE FUND

Information Systems Services-Telephone Exchange		\$5,093,414
I. Personnel and Related Expenses	\$196,839	
II. Other Expenses	4,896,575	
Information Systems Services		\$2,781,992
I. Personnel and Related Expenses	\$1,767,393	
II. Other Expenses	1,014,599	
Division of Motor Vehicle Maintenance		\$17,765,576
I. Personnel and Related Expenses	\$5,609,955	
II. Other Expenses	12,155,621	
Division of Printing and Reproduction		\$1,238,964
I. Personnel and Related Expenses	\$560,859	
II. Other Expenses	678,105	
City Storeroom and Central Warehouse		\$781,905
I. Personnel and Related Expenses	\$33,991	
II. Other Expenses	747,914	
TOTAL INTERNAL SERVICE FUNDS		\$27,661,851

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,047,100
I. Personnel and Related Expenses	\$784,700	
II. Other Expenses	262,400	
Radio		\$1,984,121
I. Personnel and Related Expenses	\$46,073	
II. Other Expenses	1,938,048	
Division of Fiscal Control		\$2,084,000
I. Personnel and Related Expenses	\$1,925,608	
II. Other Expenses	158,392	
Division of Water		\$218,000,000
I. Personnel and Related Expenses	\$66,124,000	
II. Other Expenses	151,876,000	
Division of Water Pollution Control		\$20,791,467
I. Personnel and Related Expenses	\$8,119,462	
II. Other Expenses	12,672,005	
Division of Cleveland Public Power		\$129,827,000
I. Personnel and Related Expenses	\$24,653,447	
II. Other Expenses	105,173,553	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$373,733,688

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$108,558,553
I. Personnel and Related Expenses	\$22,514,590	
II. Other Expenses	86,043,963	
TOTAL DEPARTMENT OF PORT CONTROL		\$108,558,553

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Division of Cemeteries		\$2,371,372
I. Personnel and Related Expenses	\$1,788,822	
II. Other Expenses	582,550	
Golf Course Fund		\$1,989,848
I. Personnel and Related Expenses	\$718,214	
II. Other Expenses	1,271,634	
Division of Parking Facilities-Off Street Parking		\$8,348,787
I. Personnel and Related Expenses	\$958,158	
II. Other Expenses	7,390,629	
Division of Convention Center & Stadium-Convention Center		\$6,509,863
I. Personnel and Related Expenses	\$1,749,610	
II. Other Expenses	4,760,253	
Division of Convention Center & Stadium-West Side Market		\$1,171,322
I. Personnel and Related Expenses	\$410,486	
II. Other Expenses	760,836	
Division of Convention Center & Stadium-Stadium		\$9,835,915
II. Other Expenses	9,835,915	
Division of Property Management - East Side Market		\$78,399
I. Personnel and Related Expenses	\$60,729	
II. Other Expenses	17,670	
TOTAL PARKS, RECREATION, & PROPERTIES		\$30,305,506
TOTAL ENTERPRISE FUNDS		\$512,597,747
AGENCY FUND		
Central Collection Agency		\$7,807,391
I. Personnel and Related Expenses	\$4,768,459	
II. Other Expenses	3,038,932	
TOTAL AGENCY FUND		\$7,807,391
DEBT SERVICE FUND		
Sinking Fund Commission		\$49,560,304
I. Personnel and Related Expenses	\$94,364	
II. Other Expenses	429,921	
III. Debt Service	49,036,019	
TOTAL DEBT SERVICE FUNDS		\$49,560,304

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 182-02-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2001 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2002 or prior years. The Mayor's Estimate File No. 182-02-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2002 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

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

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

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

Ord. No. 183-02.
By Councilman Polensek (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with Jim Petro, Auditor of State to conduct a performance 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 hereby authorized to make a written contract with said Jim Petro, Auditor of State to conduct a performance audit of the City's financial operations.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-638400-150600, Request No. 30506.

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

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

Ord. No. 184-02.
By Councilman Dolan.
An emergency ordinance to amend Sections 611.01 and 611.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 90-96, passed March 18, 1996, relating to gambling.

Whereas, Ohio law and the Codified Ordinances of the City of Cleveland permit schemes of chance, including instant bingo tickets, pull-tab tickets and break open tickets, to be conducted by charitable organizations that have a 501(c)(3) permit from the Internal Revenue Service; and

Whereas, instant bingo tickets, pull-tab tickets and break open tickets are often illegally sold by organizations and entities that are not considered charitable organizations by the Internal Revenue Service; and

Whereas, this Council finds that the illegal sale of instant bingo tickets, pull-tab tickets and break open tickets are diverting money from charitable organizations and that requiring such sales to occur on premises owned by a charitable organization will limit the illegal sale of instant bingo tickets, pull-tab tickets and break open tickets; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the peace, property, health or safety in that it is necessary to prohibit schemes of chance by organizations that are not charitable organizations; now, therefore, Be it ordained by the Council of the City of Cleveland:

Section 1. That Sections 611.01 and 611.02 as amended by Ordinance No. 90-96, passed March 18, 1996, are hereby amended to read, respectively, as follows:

Section 611.01 Definitions

As used in this chapter:

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

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

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

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

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

(f) "Gambling device" means:

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

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

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

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

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

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

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

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

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

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

either the making of an application for a bingo license under RC 2915.08 of the conducting of any scheme of chance or game of chance as provided in division (c) of Section 611.02.

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

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

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

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

(m) "Fraternal organization" means any society, order or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business or brotherhood of its members and that has been in continuous existence in this State for a period of five years.

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

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

(p) "Nonprofit medical organization" means any organization that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated

and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical research or therapeutic services for the public.

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

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

(s) "Bingo" means:

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

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

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

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

D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (s)(1)C. of this section that a predetermined and preannounced pattern of spaces has been covered on a bingo card being used by the participant.

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

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

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

bingo game operator or otherwise transmitted to the participants;

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

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

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

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

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

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

(x) "Gross receipts" means all money or assets, including admission fees, that a person receives from a bingo session that the person conducts without the deduction of any amounts for prizes paid out during the session or for the expenses of conducting the bingo session. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting as bingo session, or by a bona fide auxiliary unit or society of a charitable organization, at a bingo session conducted by the charitable organization, provided all of the following apply:

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

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

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

(4) No person preparing, selling or serving the food or beverages at the site of the bingo game receives directly or indirectly any form of

compensation for the preparation, sale or service of the food or beverages.

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

(z) "To use gross receipts for a charitable purpose" means that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code; that the proceeds of the bingo game are used by or given, donated or otherwise transferred to a veteran's organization, as defined in division (k) of this section, that is a post, chapter or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter or organization organized in the United States or any of its possessions, at least seventy-five percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans) or are cadets, or are spouses, widows or widowers of war veterans, or such individuals, provided that no part of the net earnings of such post or organization inures to the benefit of any private shareholder or individual, and further provided that the bingo game proceeds are used by the post or organization for the charitable purposes set forth in division (B)(12) of RC 5739.02, are used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) or RC 5739.02, are donated to a governmental agency, or are used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups or other bona fide nonprofit organizations, promotion of patriotism or disaster relief; that the proceeds of the bingo game are used by, or given, donated or otherwise transferred to a fraternal organization that has been in continuous existence in this State for fifteen years for use exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals and contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code; or that the proceeds of the bingo game are used by a volunteer firemen's organization and are used by the organization for the purposes set forth in division (1) of this section.

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

(bb) "Youth athletic organization" means any organization, not organized for profit that is organized

and operated exclusively to provide financial support to, or to operate athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.

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

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

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

B. The playing fields are not used for any profitmaking activity at any time during year.

(2) It uses the proceeds of the bingo games it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (cc)(1) of this section. (RC 2915.01)

Section 611.02 Gambling

(a) No person shall do any of the following:

(1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;

(2) Establish, promote or operate or knowingly engage in conduct that facilitates any scheme or game of chance conducted for profit;

(3) Knowingly procure, transmit, exchange or engage in conduct that facilitates the procurement, transmission or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;

(4) Engage in betting or in playing any scheme or game of chance, except a charitable bingo game, as a substantial source of income or livelihood;

(5) With purpose to violate division (a)(1), (2), (3) or (4) of this section, acquire, possess, control, or operate any gambling device.

(b) For purposes of division (a)(1) of this section, a person facilitates bookmaking if he in any way knowingly aids an illegal bookmaking operation, including without limitation placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (a)(2) of this section, a person facilitates a scheme or game of chance conducted for profit if he in any way knowingly aids in the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

(d) This section does not apply to any of the following:

(1) Schemes of chance conducted by a charitable organization that is and has received from the Internal Revenue Service a determination letter that is currently in effect stat-

ing that the organization is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, provided that all of the money or assets received from such scheme of chance after deduction only of prizes paid out during the conduct of the scheme of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (a)(2) or (a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue code, and provided that the scheme of chance is not conducted during, or within ten (10) hours of, a bingo game conducted for amusement purposes only pursuant to Section 611.09 and provided that the scheme of chance, except for the sale of raffle tickets by a charitable organization and lottery tickets sponsored by the state of Ohio, is conducted on premises owned by the charitable organization for a period of no less than one (1) year immediately preceding the conducting of the scheme of chance or on premises leased from a governmental entity;

(2) Games of chance, if all of the following apply;

A. The games of chance are not craps for money, roulette for money or slot machines;

B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue code;

C. The games of chance are conducted at festivals of the organization that are conducted for a period of four (4) consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a year, and are conducted on premises owned by the charitable organization for a period of not less than one (1) year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance;

A charitable organization shall not lease premises from a veteran's or fraternal organization, or lease from a governmental unit premises located in a county with a population exceeding five hundred thousand, to conduct a festival described in division (d)(2)C. of this section if the veteran's or fraternal organization or governmental unit already has leased the premises twice during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in division (d)(2)C. of this section, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per

bingo session that a charitable organization may pay under division (A)(3) of RC 2915.09 when it leases premises from another charitable organization to conduct bingo games.

D. All of the money or assets received from these games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to any organization that is described in subsection 509(a)(1), (a)(2) or (a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

E. The games of chance are not conducted during, or within ten (10) hours of, a bingo game conducted for amusement purposes only pursuant to Section 611.09. No person shall receive any commission, wage, salary, reward, tip, donation, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any scheme or game of chance.

(3) Any tag fishing tournament operated under a permit issued under RC 1533.92, as "tag fishing tournament" is defined in RC 1531.01.

(e) Division (d) of this section shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct schemes of chance or games of chance, as granted by division (d) of this section, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree if the offender has not previously been convicted of a gambling offense. Whoever violates this section while upon the grounds of a park, parkway, playground, ballfield, tennis court, skating rink, recreation center or model airplane field which is owned and controlled by the City shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) and sentenced to not less than thirty (30) days imprisonment. The minimum fine to be imposed by the court for a violation of the provisions of this section is mandatory. The Court shall not suspend all of any portion of said minimum fine; provided that in lieu of all or a portion of the sentence of imprisonment required hereunder, the court may require the offender to perform supervised community service work pursuant to division (H) of RC 2951.02. (RC 2915.02)

Section 2. That existing Sections 611.01 and 611.02 as amended by Ordinance No. 90-96, passed March 18, 1996, are hereby repealed.

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

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

Ord. No. 185-02.
By Councilmen Reed and Polensek
(by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Criminal Justice Services Agency for the Juvenile Accountability Incentive Block Grant Program; and to enter into contracts with various entities necessary to implement the Program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$643,099.00, from the Criminal Justice Services Agency, to conduct the Juvenile Accountability Incentive Block Grant Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 185-02-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide a cash match in the sum of \$71,456, payable from fund No. 01-600201-639905, is hereby approved in all respects.

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

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is hereby authorized to lease office space at an east side location and a west side location for the implementation of the grant. The term of the lease or leases shall not exceed the grant period and shall be in an aggregate estimated annual amount of \$28,200.00.

That the lease or leases may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease or leases may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

That the lease or leases shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

That the Director of Public Safety, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease or leases authorized by this ordinance.

Section 5. That the Director of Public Safety is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the lease of a maximum of six (6) vehicles and for the lease of equipment necessary for the implementation of the program, to be procured by the Commissioner of Purchases and Supplies upon a unit basis.

Section 6. That the Director of Public Safety is hereby authorized to enter into contract for the implementation of the program as described in the application contained in the file with the following agencies in the following amounts:

Police Athletic League Partnership for a Safer Cleveland	\$ 50,000.00
Lexington Bell Community Center	48,320.00
HUMADAOP	55,500.00
St. Clair Superior Development Association	55,500.00
St. Martin de Porres Family Center	54,000.00
Harvard Community Service Center	24,000.00
Berea Children's Home - Pro Kids	10,800.00
Berea Children's Home - MST	75,260.00
Berea Children's Home - Chem Depen	44,000.00
	23,920.00

Section 7. That the costs for such services, purchases and leases herein contemplated shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and from cash matching funds identified in this ordinance and appropriated for this purpose.

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

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

Council Member Cimperman left the meeting.

Ord. No. 186-02.
By Councilmen White, Coats, Jackson, Cimperman and Polensek
(by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a loan and grant agreement with Northeast Ohio Neighborhood Health Services, Inc. to provide economic development assistance to partially finance building renovations, site improvements, machinery and equipment purchases, and all other associated costs to redevelop the properties located at 13301 Miles Avenue and 15322 St. Clair Avenue, Cleveland, Ohio.

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 Economic Development is hereby authorized to enter into a loan agreement and grant agreement with Northeast Ohio Neighborhood Health Services, Inc. to provide economic development assistance to partially finance building renovations, site improvements, machinery and equipment purchases, and all other associated costs to redevelop the properties located at 13301 Miles Avenue and 15322 St. Clair Avenue, Cleveland, Ohio (the "Improvement").

Section 2. That the terms of the loan and grant shall be in accordance with the terms as set forth in the Summary contained in File No. 186-02-A.

Section 3. That the costs of said loan authorized above shall not exceed Two Hundred Ninety-One Thousand Nine Hundred Seven Dollars (\$291,907), and shall be paid from Fund Nos. 10 501, 12 SF 954 and 17 SF 003, and the cost of the grant shall not exceed Seventy-Two Thousand Dollars (\$72,000) which funds are appropriated for this purpose, Request No. 103522.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 10 SF 502, 12 SF 958, and 17 SF 005, as appropriate.

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

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

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

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

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

Ord. No. 1484-A-01. (As a substitute for Ordinance No. 1484-01).

By Councilman Brady.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 125.10 thereof, relating to a legislative service division.

Whereas, Cleveland City Council is the legislative branch of City government and has the power and authority to inquire into the conduct of any City Department, office, officer or employee of the City and to investigate City affairs; and

Whereas, City Council conducts municipal research on a variety of City problems to analyze how Cleveland may benefit from the problems and solutions of other communities; and

Whereas, members of City Council sponsor legislation and utilize professional staff to research and draft legislation; and

Whereas, City Council provides municipal and fiscal oversight of City government; and

Whereas, the legislative process includes the review of legislation at Council committees and such review occurs with the assistance of professional and technical staff; and

Whereas, several local legislative offices across the county utilize the services of a Legislative Service Division; and

Whereas, such legislative services are performed by a professional staff of attorneys, researchers, and clerical technicians; and

Whereas, a Legislative Service Division will provide legal expertise in local governmental affairs and thereby assist City Council members in serving the public; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 125.10 thereof to read as follows:

Section 125.10 Legislative Service Division

(a) The civil branch of the Department of Law shall contain a Legislative Service Division. The Director of Law shall appoint and fix the compensation of attorneys and other technical, professional and clerical staff necessary to perform the duties of the Legislative Service Division. The Director of Law shall report directly to City Council on matters involving the Legislative Service Division.

(b) The Legislative Service Division shall, in conjunction with City Council staff, provide the following legal services at the request of the Council President, any City Council Committee, or any member of City Council:

(1) assist and cooperate with any City Council Committee;

(2) prepare legislation;

(3) provide impartial and accurate information and reports on legislative issues in accordance with the Rules of Council;

(4) educate City Council members on community development block grant policies and issues and assist City Council members in utilizing funds, including, community development block grant and neighborhood equity funds;

(5) advise members on the effects of ordinances and resolutions; and

(6) any other legal duties as requested.

(c) The Legislative Service Division shall be provided with adequate office space in the Law Department for its operation.

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.

Passage recommended by Committee on Finance.

Without objection, substitute ordinance agreed to. Ordinance No. 1484-01 Laid on the Table.

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

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

Ord. No. 187-02.

By Councilmen Brady, Sweeney, Westbrook and Zone.

An emergency ordinance amending Sections 1, and 2 of Ordinance No. 1654-01 passed August 15, 2001, relating to the Westside Industrial Retention & Expansion Network for Industrial Retention and Public Safety Programs.

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

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

Section 1. That Sections 1, and 2 of Ordinance No. 1654-01, passed August 15, 2001, are hereby amended to read respectively as follows.

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Westside Industrial Retention and Expansion Network for Industrial retention and Public Safety Programs, for the public purpose of promoting industrial retention, and expansion, community improvements to the neighborhood commercial district, and the implementation of community policing to enhance the safety of residents, and area businesses, **through the use of Wards 17, 18, 19, and 20 Neighborhood Equity Funds.**

Section 2. That the cost of said contract shall be in an amount not to exceed **\$167,552** and shall be paid from Fund No. 10 SF 166.

Section 2. That Sections 1, and 2 of Ordinance No. 1654-01, passed

August 15, 2001, are hereby repealed.

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

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

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

Ord. No. 188-02.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Spanish American Committee Day Care to stretch a banner on Professor Avenue between Kenilworth and Literary, for the period from February 11, 2002 to March 11, 2002, inclusive, publicizing the Day Care Center's Open Enrollment.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Spanish American Committee Day Care to install, maintain and remove a banner on Professor Avenue between Kenilworth and Literary (pole #332678 to Pole #536762 across Professor Ave.), for the period from February 11, 2002 to March 11, 2002, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 189-02.**By Councilman Johnson.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Vanetta Jackson)**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 4: Vanetta Jackson.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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

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

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

Ord. No. 190-02.**By Councilmen O'Malley and Sweeney (by departmental request).****An emergency ordinance authorizing the purchase by contract of labor and materials necessary to repair the ventilation system, reinforce the push wall and replace the load out chutes at the Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, 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 hereby authorized to make written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to repair the ventilation system, reinforce the push wall and replace the load out chutes at the Ridge Road Transfer Station to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Waste Collection and Disposal, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 11 SF 006, 20 SF 290, 20 SF 295, 20 SF 320, 20 SF 340 and 20 SF 351. Request No. 113812.

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**Res. No. 191-02.****By Councilmen Cintron, Brady and Jones.****An emergency resolution urging the prompt passage of Ohio House Bill 290 and Ohio Senate Bill 127, the Ohio Prescription Drug Fair Pricing Act.**

Whereas, the Council of the City of Cleveland has supported, by passage of numerous resolutions, the right to affordable, accessible health care and the ability to secure prescription medication at reasonable prices; and

Whereas, it is estimated that one of four Americans, including 2.2 million Ohioans, have no prescription drug coverage; and

Whereas, prescription drug prices are rising twice as fast as the rate of inflation; and

Whereas, individual Americans pay 30% to 70% more than Canadians and Mexicans for the same prescriptions and about twice what the federal government pays for the same drugs under the Federal Supply Schedule; and

Whereas, U.S. prescription drug spending rose nearly 17% in 1999, some \$99.6 billion, and it is predicted that spending on pharmaceuticals will increase about 12.6% annually until 2010; and

Whereas, the pharmaceutical industry is the most profitable industry in the world, making profits of 18.3% compared to an average profit of 5% for other industries; and

Whereas, Ohio House Bill 290 and Ohio Senate Bill 127, the Prescription Drug Fair Pricing Act, would provide a prescription drug card to all Ohioans who do not have prescription drug coverage or are grossly underinsured, giving the State the authority to negotiate substantial rebates from drug companies and discounts from drug retailers and to pass those discounts to program participants, with the State paying administrative and other costs out of the negotiated rebates, thus incurring no cost to taxpayers; and

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

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

Section 1. That the Council of the City of Cleveland supports the Prescription Drug Fair Pricing Act and urges the prompt passage of Ohio House Bill 290 and Ohio Senate Bill 127.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the members of Ohio's State Congressional delegation; Lynn Wachtmann, Chair of the Ohio Senate Health and Human Services Committee; Jolivet Gregory, Chair of the Ohio House Health and Family Services Committee; and to the Coalition for Affordable Prescription Drug Coverage located at 3250 Euclid Avenue, Cleveland, Ohio, 44115.

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

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

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

Res. No. 192-02.**By Councilman Westbrook. An emergency resolution supporting Catholic Charities Facilities Corporation in its effort to renovate a senior housing complex located at 11500 Detroit Avenue, Ward 18.**

Whereas, the Council of the City of Cleveland has recognized the need to maintain affordable housing for the elderly in our neighborhoods; and

Whereas, the Catholic Charities Facilities Corporation has developed a comprehensive plan to identify those areas that would be appropriate for housing developments for the elderly; and

Whereas, the Catholic Charities Facilities Corporation has proposed to renovate an existing 8 story structure consisting of 113 one and two bedroom units and to construct an addition to the facility consisting of 50 two bedroom units for a total of 163 units known as Kirby Manor located at 11500 Detroit Avenue in Ward 18 of the City of Cleveland; and

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

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

Section 1. That the Council of the City of Cleveland supports Catholic Charities Facilities Corporation in its proposed renovation of an existing 8 story structure consisting of 113 one and two bedroom units and to construct an addition to the facility consisting of 50 two bedroom units for a total of 163 units, with 50 units at market rate and 113 units at an affordable rate, known as Kirby Manor located at 11500 Detroit Avenue in Ward 18 of the City of Cleveland.

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

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 1809-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of one single drive recorder, including monitor, keyboard and mouse, for the Division of Water Pollution Control, Department of Public Utilities.

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

1. In Section 2, line 2, after "shall" insert "**not exceed \$20,000.00 and shall**".

Amendment agreed to.

Ord. No. 1949-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide troubleshooting, monitoring, configuration and programming support for network and interface equipment of the various divisions of the Department of Public Utilities.

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

1. In Section 1, in the second paragraph, line 8, after "shall" insert "**contain a term not to exceed one year and shall**".

2. In Section 2, line 2, after "shall" insert "**not exceed in total \$425,000.00 and shall**".

Amendments agreed to.

Ord. No. 1950-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with one or more computer software vendors to provide standard business software and upgrades, including implementation, if necessary for the Divisions of Water and Cleveland Public Power, Department of Public Utilities.

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

Ord. No. 2023-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of landscape material and supplies, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 2024-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of janitorial supplies, for the various divisions of City government, for a period not to exceed two years.

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

1. In the title, line 6; in Section 1, line 4; and in Section 1, lines 11 and

12, strike "two years", and insert in lieu thereof "**one year**".

2. In Section two, line 1, after "contract" insert "**shall not exceed \$412,500.00 and**".

Amendments agreed to.

Ord. No. 2026-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft, Inc. to provide training for employees on various PeopleSoft products, for the Division of Financial Reporting and Control, Department of Finance.

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

Ord. No. 2028-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of remanufactured vehicle transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In Section 2, line 1, after "shall" insert "**not exceed \$200,000.00 and shall**".

Amendment agreed to.

Ord. No. 2347-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Warwick Communications, Inc. for the purchase of maintenance on Harris and Warwick telephone systems, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2355-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

Ord. No. 2356-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair and replace electric motors, including switchgear, controls and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, line 7, and in Section 1, line 6, after "appurtenances," insert "**lower than 125 HP,**".

Amendment agreed to.

Ord. No. 2358-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fencing, including installation if necessary, for the Divisions of Cleveland Public Power and Water, Department of Public Utilities, for a period not to exceed two years.

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

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1917-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Ohio Canal Corridor to provide professional services to study extending the Ohio Canal Towpath Trail to its historical northern terminus.

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

1. In the title, lines 4 and 5, and in Section 1, lines 2 and 3, strike "Ohio Canal Corridor" and insert in lieu thereof: "**Cuyahoga County Planning Commission**".

Amendment agreed to.

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

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

Ord. No. 2412-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Mayor and the Directors of Economic Development and Parks, Recreation and Properties to enter into a Purchase Agreement with Achievement Centers for Children or its designee, for approximately 5 acres of land in the Cleveland Enterprise Park.

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

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

Ord. No. 2413-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement to manage the Erie View/Galleria parking lots, for a term of two years with three one-year options to renew; and to extend the temporary 60-day Contract No. 58651 with APCOA Standard Parking.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Relieved of Committee on Public Parks, Property and Recreation, Passage recommended by Committee on Finance; when amended as follows:

1. Delete the title in its entirety and insert in lieu thereof the following:

"An emergency ordinance authorizing the Director of Parks, Recreation & Properties to extend the temporary sixty day contract, Contract No. 58651, with APCOA Standard Parking for a period not to exceed ninety days."

2. Delete Section 1 in its entirety.

3. In existing Section 2, line 2, delete "if necessary"; in line 4, delete "sixty" and insert "ninety"; and in lines 5 and 6 delete "pending execution of the 2-year contract in Section 1 above".

4. In existing Section 3, line 1, delete "agreement and".

5. Renumber existing "Section 2" to new "Section 1", existing "Section 3" to new "Section 2", existing "Section 4" to new "Section 3", and existing "Section 5" to new "Section 4".

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

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1210-01.

By Mayor White.

An emergency ordinance authorizing the Director of Port Control to employ surveyors or firms of surveyors, to provide professional surveying services necessary to survey various parcels or portions of parcels of land.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1745-01.

By Councilmen Patmon and Jackson (by departmental request).

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

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1964-01.

By Councilman Coats.

An emergency ordinance authorizing the Director(s) of Community Development and Economic Development to enter into an agreement with Northeastern Neighborhood Development Corporation for property acquisition for Forest Hills Place Elderly Housing Project through the use of Ward 10 Neighborhood Equity Funds.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 1984-01.

By Councilman Rybka.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Slavic Village Development for property acquisition in Lower Broad-

way for economic development and job retention and new job creation through the use of Ward 12 Neighborhood Equity Funds.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2149-01.

By Councilman Polensek.

An emergency ordinance authorizing the Clerk of Council to employ one or more professional consultants to provide professional services required to update, print and bind the Cleveland Codified Ordinances, including the recodification of the Traffic and General Offenses Codes as amended by the Ohio General Assembly and providing alternative formats and internet accessibility; and to compile, verify, edit, index, compose, print and package a cumulative supplement, including alternative formats and internet accessibility; for a period of one year, with three one-year options to renew all of part of these services.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2164-01.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of medical supplies and equipment, for the Division of Emergency Medical Service, Department of Public Safety.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2165-01.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various items necessary to implement the 2001-02 DARE program, for the Division of Police, Department of Public Safety.

Read third time. Passed. Yeas 18. Nays 0.

Ord. No. 2166-01.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Law to enter into a contract with L.J.D. & Associates to coordinate the Team Approach to Violence Against Women Program.

Read third time. Passed. Yeas 18. Nays 0.

Council Member Cimperman entered the meeting.

MOTION

By Council Member Pierce Scott and seconded by Council Member Cintron and unanimously carried that the absence of Council Member Patricia J. Britt and Council Member Edward W. Rybka be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, February 11, 2002, at 7:00 p.m. in the Council Chambers.



Clerk Pro Tempore
(First Assistant Clerk)

THE CALENDAR

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

Ord. No. 1809-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of one single drive recorder, including monitor, keyboard and mouse, 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 hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one single drive recorder, including monitor, keyboard and mouse, 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.

Section 2. That the cost of said contract hereby authorized shall not exceed \$20,000.00 and shall be paid from Fund No. 54 SF 001, Request No. 38235.

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.

Ord. No. 1949-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide troubleshooting, monitoring, configuration and programming support for network and interface equipment of the various divisions of the 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 hereby 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 provide troubleshooting, monitoring, configuration and programming support for network and interface equipment of the Divisions of Water, Cleveland Public Power, Water Pollution Control, Department of Public Utilities.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employ-

ment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall **contain a term not to exceed one year and shall** be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall **not exceed in total \$425,000.00 and shall** be paid from Fund Nos. 52 SF 001, 54 SF 001 and 58 SF 001, Request No. 102108.

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.

Ord. No. 1950-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with one or more computer software vendors to provide standard business software and upgrades, including implementation, if necessary for the Divisions of Water and Cleveland Public Power, Department of Public Utilities.

Ord. No. 2023-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of landscape material and supplies, for the various divisions of City government, for a period not to exceed two years.

Ord. No. 2024-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of janitorial supplies, for the various divisions of City government, for a period not to exceed **one year**.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** of the necessary items of janitorial supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **one year** may be taken if deemed desirable by the Commis-

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

Section 2. That the cost of said contract shall **not exceed \$412,500.00 and shall** be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 104702)

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.

Ord. No. 2026-01.

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft, Inc. to provide training for employees on various PeopleSoft products, for the Division of Financial Reporting and Control, Department of Finance.

Ord. No. 2028-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of remanufactured vehicle transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of remanufactured vehicle transmissions, including installation if necessary, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall **not exceed**

\$200,000.00 and shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 103349)

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.

Ord. No. 2347-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Warwick Communications, Inc. for the purchase of maintenance on Harris and Warwick telephone systems, for the Division of Water, Department of Public Utilities.

Ord. No. 2355-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair, replace and test motor control centers, including switchgear, controls and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

Ord. No. 2356-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain, repair and replace electric motors, including switchgear, controls and appurtenances, **lower than 125 HP**, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to maintain, repair and replace electric motors, including switchgear, controls and appurtenances, **lower than 125 HP**, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commis-

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

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 114474)

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.

Ord. No. 2358-01.

By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fencing, including installation if necessary, for the Divisions of Cleveland Public Power and Water, Department of Public Utilities, for a period not to exceed two years.

BOARD OF CONTROL

January 30, 2002

The special meeting of the Board of Control convened in the Mayor's office on Wednesday, January 30, 2002, at 8:00 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Romero, Warren 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. 37-02.

By Acting Director Brown.

Whereas, pursuant to the authority of Ordinance Nos. 1550-01, passed by the Council of the City of Cleveland on August 15, 2001, the Commissioner of Purchases and Supplies is authorized to sell certain City-owned property, no longer needed for public use, described therein and located on Pleasant Valley Road to the Board of Commissioners of Cuyahoga County; and

Whereas, said Ordinance 1550-01 provided that the consideration to be paid for the property shall be at a price not less than fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance 1550-01, passed by the Council of the City of Cleveland on August 15, 2001, the Commissioner of Purchases and Supplies is hereby directed to sell cer-

tain City-owned property, no longer needed for public use, described therein and located on Pleasant Valley Road, Permanent Parcel Number 454-18-004 to the Board of Commissioners of Cuyahoga County. The consideration to be paid for said property is hereby fixed at Two Thousand Two Hundred Fifty Dollars (\$2,250.00), which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property which document shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.

Nays: None.

Absent: Director Romero.

Resolution No. 38-02.

By Acting Director Konicek.

Whereas, the Earth Day Coalition wishes to utilize the large conference room at Burke Lakefront Airport (the "Airport") for the Earth Day Coalition's Clean Fuel Seminar on February 13, 2002; and

Whereas, the City is willing to grant the Earth Day Coalition the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement (the "Agreement") granting the Earth Day Coalition the privilege, permit and license to conduct the Event in the large conference room at Burke Lakefront Airport from 9:00 a.m. to 1:00 p.m. on February 13, 2002, and to use and occupy the room for such period of time before the Event as necessary for preparation. The Earth Day Coalition shall pay the City a \$150.00 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 Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.

Nays: None.

Absent: Director Romero.

Resolution No. 39-02.

By Acting Director Glending.

Be it resolved by the Board of Control of the City of Cleveland that the bid of John's Painting Company, for the public improvement of the Cudell Fine Arts Building exterior painting, base bid, for the Depart-

ment of Parks, Recreation, and Properties, received on December 20, 2001, pursuant to the authority of Ordinance No. 1728-2000 passed April 9, 2001, for a gross price for the improvement in the aggregate amount of Thirty Three Thousand Three Hundred and no/100 Dollars (\$33,300.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Parks, Recreation, and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that in accordance with Section 185.06 Codified Ordinances of Cleveland, Ohio, 1976, the informality and irregularity of the insufficiency of the bid check submitted by John's Painting Company in the amount of \$1,650, which is less than ten percent (10%) of the required amount under the provision of Section 185.05 C.O., is hereby waived for the reason that such waiver is in the public interest.

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.

Nays: None.

Absent: Director Romero.

Resolution No. 40-02.

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. 002-34-063 located at 1934 West 48th Street in Ward 14; and

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

Whereas, John Laut and Anna Laut, 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 John Laut and Anna Laut for the sale and development of Permanent Parcel No. 002-34-063 located at 1934 West 48th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.
Nays: None.
Absent: Director Romero.

Resolution No. 41-02.

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. 105-21-094 located at 1123 East 63rd 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, Earl A. Zorko, 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 13 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 Earl A. Zorko for the sale and development of Permanent Parcel No. 105-21-094 located at 1123 East 63rd 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 Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.
Nays: None.
Absent: Director Romero.

Resolution No. 42-02.

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. 007-01-026 located at 2080 West 41st Street (rear) 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, Robert L. Dotson, Trustee, 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 Robert L. Dotson, Trustee for the sale and development of Permanent Parcel No. 007-01-026 located at 2080 West 41st Street (rear), 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 Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.
Nays: None.
Absent: Director Romero.

Resolution No. 43-02.

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. 008-02-049 located at 2949 West 17th Street in Ward 14; and

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

Whereas, Kriesten Miklos, 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 Kriesten Miklos for the sale and development of Permanent Parcel No. 008-02-049 located at 2949 West 17th 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 Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Warren and Taylor.
Nays: None.
Absent: Director Romero.

Resolution No. 44-02.

By Acting Director McGuirk.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2086-01, passed by Council of the City of Cleveland on December 10, 2001, A-1 Health Care Inc., 5241 Wilson Mills Road #31, Richmond Heights, Ohio, 44143, is hereby determined, after a full and complete canvass by the Director of Public Health, as the Consultant to be employed for the purpose of supplementing the regularly employed staff of the City of Cleveland, to provide nursing services for the Division of Correction, Department of Public Health.

Be it further resolved that the Director of Public Health is hereby authorized to enter into a written contract with A-1 Health Care, Inc., for services of L.P.N.S. at an hourly rate of \$33.00, which contract 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 Directors Horvath, Hruby, Brown, Directors Konicek, Ricchiuto, Acting Directors McGuirk, Glending, Directors Hudecek, Romero, Warren and Taylor.
Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final

closing date slated in the examination announcement.

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

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

ANNE BLOOMBERG,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 19, 2002

9:30 A.M.

Calendar No. 01-358: 488 East 105th Street (Ward 8)

J.C. Green, owner, appeals to establish the use of an approximate 60' x 409' parcel as construction equipment, vehicle parking and construction material storage, all located in a Semi-Industry District on the west side of East 105th Street at 488 East 105th Street; said use being contrary to the Industrial District Requirements of Section 345.03(I)(33), where open storage shall be surrounded by a substantial 7' high wall or screened fence and storage of used built-up materials is not permitted and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(j), where 8 parking spaces are required and 0 are proposed and Section 349.07(a)(b)(c), where parking shall be properly graded for drainage and striped, and bumper guards are required and a driveway of 30' maximum is required and contrary to the Landscaping and Screening Requirements, where an 8' wide landscaping strip is required along the south property line between the Residential District and the Semi-Industry District as stated in Section 352.11 of the Codified Ordinances.

Calendar No. 01-366: 12514 Craven Avenue (Ward 2)

Ronald Smith, owner, appeals to construct a 24' x 36' one-story accessory garage to the rear of a 40' x 150' parcel located in a One-Family District on the south side of Craven Avenue at 12514 Craven Avenue; said construction being contrary to the Residential Requirements where a 1,728 sq. ft. garage is proposed and the maximum area allowed is 750 sq. ft. as stated in Section 337.23(7)(a) of the Codified Ordinances.

Calendar No. 01-367: 3608 Payne Avenue (Ward 13)

Payne Avenue Properties, LLC, owner c/o Dal Jaffray, agent, appeals to change the use of an existing irregular shaped 3-story masonry building into 12 residential apartment units, situated on an approximate 74' x 146' irregular shaped corner parcel located in a Semi-Industry District on the southwest corner of East 37th Street and Payne Avenue at 3608 Payne Avenue; said change of use being con-

trary to the Yards and Courts Requirements of Section 357.04 where a 22' front yard setback is required and 0' is proposed and Section 357.08 where a 22' rear yard setback is required and 0' is proposed and a 0' interior side yard is proposed and 10' is required as stated in Section 357.09(b)(2)(c) of the Codified Ordinances.

Calendar No. 01-368: 2237 - 2239 East 83rd Street; **Calendar No. 01-369:** 2229 - 2233 East 83rd Street (Ward 6)

Eden Inc., owner c/o Robert Shearer, agent, appeals to construct 2 two-story frame dwelling units, each approximately 41'-10" x 48'-8", located in a Limited Multi-Family District on the east side of East 83rd Street at 2237, 2239, 2229 and 2233 East 83rd Street; said construction being contrary to the Residential District Requirements where a 9' and 20' side yard is proposed for each unit and 20' on each side is required as stated in Section 337.06(c) of the Codified Ordinances.

Calendar No. 01-370: 351 Canal Road (Ward 13)

F.C. Southridge Corporation, owner, and Trevor Ralph, d.b.a. Odeon LLC, lessee, appeal to install various size temporary tents from April to November 2002 on an irregular shaped acreage parcel, located in a General Retail Business District on the south side of Canal Road at 351 Canal Road; said temporary tent installation being contrary to the Special Use Regulations where an 8 month temporary use permit is proposed and temporary use permits shall not exceed 30 days as stated in Section 347.10(a) of the Codified Ordinances.

Calendar No. 01-371: 9322 Cassius Avenue (Ward 2)

Lawrence Clark and Jeff Higerd, owners, appeal under the authority of Section 329.02(c), where the appellant has the right to appeal to the Board of Zoning Appeals from a violation notice issued December 31, 2001 for nonconforming barbed wire; said violation being issued by the Division of Building and Housing under the authority of the Fence Regulations where any nonconforming barbed wire must be removed no later than December 31, 2001 as stated in Section 358.06(c) of the Codified Ordinances.

Calendar No. 01-372: 1976 West 19th Street (Ward 13)

Virginia Peck, owner, appeals to construct a 22' x 26' one-story, two car garage to the north of an approximate 86' x 155' parcel located in a Semi-Industry District on the west side of West 19th Street at 1976 West 19th Street; said construction being contrary to the Residential Requirements of Section 337.23(a) where accessory uses shall be located on the rear half of the lot and contrary to the Industrial District Requirements of Section 345.03(b) where no building shall be located within 200' of a General Industry District and 20' is proposed and contrary to the expansion of a nonconforming use and requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 01-373: 1411 East 105th Street (Ward 9)

Yvonne Wilson, owner, appeals under the authority of Section

329.02(c), where the appellant has the right to appeal to the Board of Zoning Appeals from a violation notice issued December 4, 2001 for nonconforming barbed wire; said violation being issued by the Division of Building and Housing under the authority of the Fence Regulations where any nonconforming barbed wire must be removed no later than December 31, 2001 as stated in Section 358.06(c) of the Codified Ordinances.

Calendar No. 01-374: 17149 St. Clair Avenue (Ward 11)

All City Recycling Inc., owner, appeals under authority of Section 329.02(c), where the appellant has the right to appeal to the Board of Zoning Appeals from a violation notice issued November 16, 2001 for nonconforming barbed wire; said violation being issued by the Division of Building and Housing under the authority of the Fence Regulations where any nonconforming barbed wire must be removed no later than December 31, 2001 as stated in Section 358.06(c) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 4, 2002

At the meeting of the Board of Zoning Appeals on Monday, February 4, 2002, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 01-325: 1983 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and a detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-326: 2003 West 58th Street

Evergreen 58 Corporation appealed to construct a 19'-6" x 50' three-story, single dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-327: 1985 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-328: 2005 West 58th Street

Evergreen 58 Corporation appealed to construct a 19'-6" x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-329: 1987 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-330: 2007 West 58th Street

Evergreen 58 Corporation appealed to construct a 19'-6" x 50' three-story, potential two dwelling townhouse

unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-331: 1989 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-332: 2009 West 58th Street

Evergreen 58 Corporation appealed to construct a 19'-6" x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-333: 2011 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-334: 1991 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-335: 2013 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, single dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-336: 1993 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, single dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-337: 2015 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, single dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-338: 1995 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, single dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-339: 2017 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-340: 1997 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-341: 2019 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-342: 1999 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story,

potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-343: 2021 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, potential two dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-344: 2001 West 58th Street

Evergreen 58 Corporation appealed to construct a 16' x 50' three-story, single dwelling townhouse unit and detached garage on a 19'-6" x 125' parcel in an RA-2 District.

Calendar No. 01-354: 3315 Broadview Road

A&K Investment/Jack Amburgey, owner, appealed to change the use of a one-story billiard parlor space into a party center with bingo in a Local Retail Business District; granted conditionally.

The following appeal was **Dismissed:**

Calendar No. 01-317: 8212 Carnegie Avenue

Eleanor Norwood, owner, appealed to change the use of a two-story masonry office and auto repair garage building into an office and auto repair garage and used car lot on a parcel located in General Retail, Local Retail and Semi-Industry Districts.

The following appeals were **Postponed:**

Calendar No. 01-355: 8219 Hough Avenue postponed to March 11, 2002.

Calendar No. 01-357: 10201 Elk Avenue postponed to February 19, 2002.

On Monday, February 4, 2002, in Executive Session:

The following appeals were heard on Monday, January 28, 2002, and said decisions were approved and adopted by the Board on February 4, 2002:

The following appeals were **Approved:**

Calendar No. 01-346: 613 Literary Road

Bridge Avenue Development Ltd., owner, appealed to construct a 20' x 40' three-story, two family dwelling and a 20' x 20' detached garage on a 25' x 116' parcel in a Multi-Family District.

Calendar No. 01-347: 3662 East 131st Street

James Cameron, owner, appealed to enclose an existing front porch of a one dwelling unit in a Local Retail Business District granted conditionally.

Calendar No. 01-349: 10707 Edgewater Drive

Matt Gillespie, owner, appealed to construct a 12' x 15' two-story frame deck to the side of a one family dwelling in a Limited One-Family District.

Calendar No. 01-361: 2357 Tremont Avenue

Positive Education Program, owner, appealed to install one illu-

minated 4' x 8' wall sign, one non-illuminated 4' x 8' wall sign and one 2'-4"x9' canopy sign on an existing building in a Two Family District.

Calendar No. 01-312: 7770 Harvard Avenue

Waterworks Enterprises Ltd., owners, and Crown Cleaning Systems, tenant, appealed to install a 6' high chain link fence with a gate to the north, south, east and west of a 180' x 150' parcel in a Semi-Industry District.

The following appeals were **Denied:**

Calendar No. 01-348: 13404 Coit Road

Delonte Rollins, owner, appealed to change the use of a one-story tavern building and a 64' x 134' parcel into an office and used car lot in a Two-Family District.

Calendar No. 01-353: 4026 West 143rd Street

Joanne A. Meier, owner, appealed to construct a 24' x 24' x 19' high accessory garage to the rear of a 50' x 120' parcel in a One-Family District.

Calendar No. 01-307: 9713 Parkview Avenue

Carrie Evans, owner, and Johnnie Evans, tenant, appealed to expand the use of a two dwelling house to include a recording studio in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

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

Re: Report of the Meeting of
January 30, 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-184-01.

RE: Appeal of Raymel Investment Company, Owner of the Two & One-Half Story Masonry Semi Industry Property located on the premises known as 2400 Superior Avenue from a NOTICE OF VIOLATION-UNAUTHORIZE OCCUPANCY of the Commissioner of the Division of Building and Housing, dated November 1, 2001, 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 2400 Superior Avenue to the Division of Building and Housing for supervision and any required further action, with the understanding that the life safety issues will be addressed and that the storefront issues will be handled appropriately. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nay: None.

Docket A-185-01.

RE: Appeal of Seventeenth Street Associates, Inc., Owner of the Parking Lot located on the premises known as 13330 Drexmore Road from a NOTICE OF VIOLATION-COMMERCIAL MAINTENANCE of the Commissioner of the Division of Building and Housing, dated November 7, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-185-01 has been POSTPONED; to be rescheduled for February 27, 2002.

* * *

Docket A-187-01.

RE: Appeal of Freeway Industrial Properties, Owner of the Property located on the premises known as 246 East 131st Street from a NOTICE OF VIOLATION-FIRE CODE of the Chief of the Division of Fire, dated November 6, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket has been POSTPONED, and will not be rescheduled until the Division of Building and Housing and the Division of Fire have re-inspected the property and notified the Board.

* * *

Docket A-188-01.

RE: Appeal of Edward McMullen, Owner of the One Story Masonry Commercial Property located on the premises known as 18008 St. Clair Avenue from a 30 DAY DETERIORATED CONDEMNATION ORDER-COMMERCIAL MAINTENANCE/PEELING PAINT dated December 7, 2001 of the Commissioner of the Division of Building and Housing, 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 DENY the Appellant's appeal request for one (1) year/two (2) years in which to abate the violations, but to grant the Appellant one (1) month in which to obtain permits and three (3) months in which to abate the violations; 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. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-189-01.

RE: Appeal of Jodie Crawford, Owner of the One Family Residential Property and Existing Swimming Pool located on the premises known as 11722 Longmead Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing, dated October 22, 2001, 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 to the ten (10) foot requirement and approve the location of the pool, contingent upon receipt of a letter of concurrence from the

adjacent neighbor; and to waive the late fees. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-1-02.

RE: Appeal of West Side Metals, Inc., Owner of the Proposed Warehouse and Loading Docks for Recycling Center Property located on the premises known as 6400 Stock Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated December 28, 2001, 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 to OBBC Section 705.2 (fire-resistance ratings of exterior walls of S-2 Use Groups located 0-5' from a property line shall be 2-hour rated) and permit the building to be constructed with the non-rated rear wall adjacent to tile railroad right-of-way, recognizing the inability to obtain no built easements from the railroad, and to be contingent upon the approval of the Fire Prevention Bureau. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-4-02.

RE: Appeal of Sunshine Ltd., Owner of the Four Story Masonry Semi Industrial Property located on the premises known as 1729 Superior Avenue from a NOTICE OF VIOLATION - CHANGE OF USE of the Commissioner of the Division of Building and Housing, dated December 26, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant the requested variance on the toilet rooms and consider no action required in that area; to require sprinklers above the ceilings in the exit corridor on the first floor, and to require that any penetrations through the floors on the third and fourth floors be fire stop, and that smoke detectors be installed above the ceiling on those areas for a maximum of one (1) year on the third floor and two (2) years on the fourth floor tenant areas. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-6-02.

RE: Appeal of Greater Cleveland Regional Transit Authority, Owner of the Bus Storage, Fueling and Maintenance Garage located on the premises known as 13705 Lakewood Heights Boulevard from a PARTIAL ADJUDICATION ORDER #1 of the Commissioner of the Division of Building and Housing, dated January 2, 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 vari-

ance to Item 1/OBBC Section 507.2— of separation distance of thirty (30) feet and to grant the variance to Item 3/OBBC Section .2.1— of the fire resistance rating of the exterior walls in the area of the observation tower, noting the concurrence of the Division of Building and Housing and the Division of Fire with these requested variances under the circumstances. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-7-02.

RE: Appeal of Richard Maron, Owner of the Nightclub located on the premises known as 2031 East 4th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated January 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 grant the required variances to permit the covered alleyway to become a means of egress, noting that it is protected with 3-hour doors and properly rated walls, and requiring that the existing alleyways to Prospect Avenue be maintained a no parking area, allowing deliveries and discreet dumpster locations, and also noting that easements exist for all properties along the alley, with the requirement that any changes in these issues be preceded by a ninety (90) day notice to the City. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-8-02.

RE: Appeal of Mark T. Yager, Owner of the Property located on the premises known as 623 West St. Clair Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated January 15, 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 wall to be constructed as shown, noting the newly adopted code, when enforced, will permit that to be the manner of construction, and there is no objection from the City under the circumstances. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-9-02.

RE: Appeal of Jerry Szoka, Owner of the The Grid Nightclub located on the premises known as 1437 St. Clair Avenue from an ADJUDICATION ORDER #2 of the Commissioner of the Division of Building and Housing, dated January 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 Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

AMENDED EXTENSION OF TIME:

Docket A-127-01 — Kiser Houston — 1154 East 134th Street (aka 1154-60 East 134th Street):

FROM . . . to DENY the Appellant's request for a four (4) month "Extension Of Time" and require the Appellant to continue to working with the City under the present arrangements . . .

TO: . . . to grant the Appellant's request for a four (4) month "Extension Of Time" on the building permit in which to complete the work progress . . .

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

INFORMAL HEARING:

Docket A-160-00 — The Salvation Army — 2100 Lakeside Avenue:

Ruling of the Board is to hear from the Fire Prevention Bureau before issuing a ruling.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Sullivan and seconded by Mr. Williams 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-160-01—Mary T. Whitfield
A-177-01—LaSalle National Bank.
A-178-01—Bernard Adams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Separate motions were entered by Mr. Saunders and seconded by Mr. Williams 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-167-01—Sharon Schubert.
A-168-01—Victor Leparskas.
A-169-01—Ronald Fedor.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Separate motions were entered by Mr. Saunders and seconded by Mr. Sullivan 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-174-01—Darnell Champion.
A-175-01—Wells Fargo Home Mortgage, Inc.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Williams 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):

January 16, 2002

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

EUGENE CRANFORD, JR., Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, FEBRUARY 8, 2002

Relocation of Employee Parking Lot of the Riveredge Site, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

THERE WILL BE A NON-REFUNDABLE FEE IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. IF YOU PURCHASED A SET OF PLANS, THERE IS NO NEED TO RECEIVE ANOTHER SET OF PLANS. THE PLANS HAVE NOT CHANGED. PLEASE FAX ANY QUESTIONS AND/OR CONCERNS TO THE ATTENTION OF DEBORAH MIDGETT (216) 664-2624.

January 30, 2002 and February 6, 2002

WEDNESDAY, FEBRUARY 13, 2002

Re-Bid Purchase of New Dishwasher, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 1203-2000, passed by the Council of the City of Cleveland, August 13, 2000.

Construction Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 372-01, passed by the Council of the City of Cleveland, April 9, 2001.

Re-Bid Golf Courses-Ber, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 81-01, passed by the Council of the City of Cleveland, April 9, 2001.

January 30, 2002 and February 6, 2002

THURSDAY, FEBRUARY 14, 2002

Traffic Paint/Glass Beads, for the Division of Traffic Engineering and Parking, Department of Public Service, as authorized by Ordinance No. 2082-01, passed by the Council of the City of Cleveland, December 10, 2001.

Aluminum Traffic Sign Blanks, for the Division of Traffic Engineering and Parking, Department of Public Service, as authorized by Ordinance No. 2082-01, passed by the Council of the City of Cleveland, December 10, 2001.

Reflective Sheeting and Sign Posts, for the Division of Traffic Engineering and Parking, Department of Public Service, as authorized by Ordinance No. 2082-01, passed by the Council of the City of Cleveland, December 10, 2001.

January 30, 2002 and February 6, 2002

FRIDAY, FEBRUARY 15, 2002

Various Electronic Control Equipment, Division of Traffic Engineering and Parking, Department of Public Service, as authorized by Ordinance No. 2082-01, passed by the Council of the City of Cleveland, December 10, 2001.

January 30, 2002 and February 6, 2002

FRIDAY, FEBRUARY 22, 2002

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** ON FEBRUARY 14, 2002, AT 10:00-11:00 A.M., LOCATED AT 1201 LAKESIDE AVE., 3RD FLOOR, ATRIUM CONFERENCE ROOM.

January 30, 2002 and February 6, 2002

FRIDAY, MARCH 1, 2002

Transformers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, Section 129.26, passed by the Council of the City of Cleveland, September 21, 1992.

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

January 30, 2002 and February 6, 2002

FRIDAY, FEBRUARY 15, 2002

Re-Bid Processing Recyclable Material Services Contract "EW", for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1868-2000, passed by the Council of the City of Cleveland, December 18, 2000.

February 6, 2002 and February 13, 2002

FRIDAY, FEBRUARY 22, 2002

Auto/Truck Spring Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2027-01, passed by the Council of the City of Cleveland, December 10, 2001.

February 6, 2002 and February 13, 2002

THURSDAY, FEBRUARY 28, 2002

Fabrication of Ring and Pinion Gears, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 824-2000, passed by the Council of the City of Cleveland, June 12, 2000.

THERE WILL BE A **PRE-BID MEETING** FEBRUARY 14, 2002 AT 10:30 A.M. LOCATED AT DISTRIBUTION MAINTENANCE METERS, CONFERENCE ROOM, (4600 HARVARD AVENUE, CLEVELAND, OHIO 44105).

Re-Bid Vehicle Maintenance Equipment, for the Division of Cleveland Public Power, Department of Public Utilities as authorized by Ordinance No. 843-01, passed by the Council of the City of Cleveland, June 11, 2001.

THERE WILL BE A **MANDATORY PRE-BID MEETING** ON FEBRUARY 20, 2002, AT 10:00 A.M. LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2002 and February 13, 2002

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 153-02.**

By Councilman Brady.

An emergency resolution urging the Ohio General Assembly to adopt "Ohio Care," a publicly funded, not-for-profit health insurance program.

Whereas, by passage of numerous resolutions and ordinances and by its efforts to keep St. Michael Hospital operational, this Council of the City of Cleveland has stated that every person residing or employed in Ohio is entitled, as a matter of right, to accessible, affordable and quality health care; and

Whereas, this Council recognizes that there is a growing crisis in health care in the State of Ohio manifested by massive layoffs, a steep increase in premiums, co-payments and deductibles, and the closing of many health care facilities serving low-to-middle income residents; and

Whereas, insured persons now commonly experience unacceptable and sometimes life-threatening delays in obtaining approval for needed health care services by private, for-profit health insurers; and

Whereas, it is estimated that the complexity and redundant bureaucracy arising from the existence of multiple, for-profit insurance plans, each with its own distinct program of coverage and benefits, its own costly administrative and executive structure, and its own system of processing managed care approvals, and payments of benefits and/or reimbursements, wastes up to 30% of premiums paid for medical coverage by Ohio employers and private citizens, resources which otherwise could be used to provide benefits; and

Whereas, the bureaucratic structure and its inefficiencies distract health care providers from providing efficient and effective medical services to patients and places a drain on the financial resources of Ohio taxpayers; and

Whereas, this Council contends that a single-payer, publicly-funded, not-for-profit health plan will: eliminate the redundant bureaucracy caused by numerous insurers; greatly reduce administrative costs associated with providing medical care; free-up additional financial resources; allow medical providers to focus their efforts on providing quality care; and reduce the cost of health care coverage for Ohio residents and employers; and

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

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

Section 1. That the Council of the City of Cleveland urges the Ohio General Assembly to commit to enact "Ohio Care," a comprehensive, publicly funded, not-for-profit health insurance program covering: (a) all residents of the State of Ohio as well as all dependents of Ohio residents, whether residing within the state or elsewhere; and (b) all persons employed in the state, regardless of residence within or outside of the state, as well as their dependents.

Section 2. That this Council urges the prompt passage of "Ohio Care" so that upon its effective date:

i. Health insurance will be provided to all persons employed in the state and their dependents by or through their non-federal public and private employers, including all health insurance previously provided by the State government to its employees, thereby relieving Ohio employers of the cost and administrative burden of providing health insurance coverage; and

ii. Every person will be covered by one uniform program of health insurance benefits, including prescription drug coverage, dental care, vision care, long-term care and coverage for mental illness on full parity with coverages for all other types of illnesses; and

iii. An Ohio Care Commission will be created, as an independent agency of state government, to implement and administer the Ohio Care program; and

iv. The Ohio Care benefit program will be designed and maintained so as to guarantee health care services of excellent quality, timely delivered and accessible to all; full support for ongoing medical research, medical education and training; full choice of providers; and access to comprehensive, preventive and long-term care; and

v. All federal funds allocated for health care purposes by Medicare, Medicaid, Veterans Administration, and other programs will be paid to Ohio Care, after obtaining the necessary waivers from the federal government; and

vi. Any person who while covered by Ohio Care requires health care services anywhere in the world will be entitled to Ohio Care benefits to pay for such services to the extent payment has not otherwise been provided; and

vii. Any resident displaced from employment by the private health insurance industry in this state as a direct result of the enactment of Ohio Care will be eligible to receive, at state expense, retraining and temporary financial assistance to facilitate reemployment without significant loss of income, and will receive preference for hiring for employment by the Ohio Care Commission in any position for which the displaced resident is qualified; and

viii. Ohio Care will be funded by utilizing federal, state and local monies that currently are used to fund existing Ohio health care programs, and any additional funding mechanism deemed necessary to ensure that Ohio Care is fully funded with adequate reserves.

Section 3. That the Clerk of Council is hereby requested to forward a copy of this resolution to the members of the Cleveland area delegation of the Ohio General Assembly.

Section 4. 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 January 28, 2002.

Effective February 4, 2002.

Res. No. 154-02.**By Councilman Brady.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Blvd., and repealing Res. No. 1577-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Blvd. by Res. No. 1577-01 adopted by Council on August 15, 2001; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 13429 Lakewood Heights Blvd., be and the same is hereby withdrawn and Res. No. 1577-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 28, 2002.

Effective February 4, 2002.

Res. No. 155-02.**By Councilman Jones.**

An emergency resolution objecting to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 4209 E. 131st St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 3261827, Leonard Goldsmith, DBA Porkys Grill, 1st Fl. & Bsmt. & Patio, 4209 E. 131st St., Cleveland, Ohio 44105 to Permit No. 9700692, Winston House Inc., DBA Winstons Place, 1st Fl. & Bsmt. & Patio, 4209 E. 131st St., Cleveland, Ohio 44105; and

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

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

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

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

sonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 3261827, Leonard Goldsmith, DBA Porkys Grill, 1st Fl. & Bsmt. & Patio, 4209 E. 131st St., Cleveland, Ohio 44105 to Permit No. 9700692, Winston House Inc., DBA Winstons Place, 1st Fl. & Bsmt. & Patio, 4209 E. 131st St., Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 28, 2002.

Effective February 4, 2002.

Res. No. 156-02.**By Councilman Jones.**

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 12312 Rexford.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 6133032, Kendell Moore Inc., Broadway Snack Shack Grocery & Deli, 12312 Rexford, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 6133032, Kendell Moore Inc., Broadway Snack Shack Grocery & Deli, 12312 Rexford, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 28, 2002.

Effective February 4, 2002.

Res. No. 157-02.**By Councilmen Polensek and Jones.**

An emergency resolution urging the United States Congress to review and modify federal tax laws applicable to large multi-million dollar corporations.

Whereas, the recent collapse of Enron Corporation has illustrated a number of loopholes and inequities that exist in our legal system that have served to benefit corporate giants in America; and

Whereas, it has been reported that Enron has paid no federal corporate income taxes in four of the last five years, and instead received \$382 million in tax refunds; and

Whereas, the hard working citizens of Cleveland and throughout the country dutifully pay federal income tax to support our country's defense, building and maintenance of our infrastructure and social programs; and

Whereas, this Council finds such legal loopholes appalling as they require ordinary, hard working citizens to subsidize corporate tycoons who seek to shirk their civic responsibility; and

Whereas, this Council urges Congress to examine existing laws that permit such practices to occur and requests that Congress consider such measures as to close these tax loopholes; and

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

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

Section 1. That the Council of the City of Cleveland urges the U.S. Congress to examine the existing tax laws for the purpose of identifying loopholes that allow large multi-million dollar corporations to forego paying federal corporate income taxes and to enact laws that would tighten such tax laws.

Section 2. That the Clerk of Council is hereby requested to forward a copy of this resolution to Senators Voinovich and DeWine and Representatives Kucinich and Tubbs Jones.

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 January 28, 2002.
Effective February 4, 2002.

Res. No. 158-02.

By Councilman Reed.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 10420 Union Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 1914747, Daleen Corp., DBA Union Market, 10420 Union Ave., Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 1914747, Daleen Corp., DBA Union Market, 10420 Union Ave., Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 28, 2002.
Effective February 4, 2002.

Res. No. 159-02.

By Councilman Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 3976 East 131st Street, and repealing Res. No. 1642-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 3976 East 131st Street by Res. No. 1642-01 adopted by Council on August 15, 2001; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 3976 East 131st Street, be and the same is hereby withdrawn and Res. No. 1642-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted January 28, 2002.
Effective February 4, 2002.

Res. No. 160-02.

By Councilman Westbrook.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 8808 Detroit Avenue, and repealing Res. No. 1348-200 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 8808 Detroit Avenue by Res. No. 1348-2000 adopted by Council on July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 8808 Detroit Avenue, be and the same is hereby withdrawn and Res. No. 1348-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 28, 2002.
Effective February 4, 2002.

Ord. No. 1867-01.

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

An emergency ordinance authorizing the Directors of Economic Development and Personnel and Human Resources to enter into contract with Vocational Guidance Services, Inc. for the continued development, implementation and operation of the Youth Opportunity Program.

Whereas, pursuant to Ordinance No. 1040-01, passed June 19, 2001, this Council authorized the Directors of Economic Development and Personnel and Human Resources to apply for and accept a grant from the U.S. Department of Labor for the 2001 Youth Opportunity Program; 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 Directors of Economic Development and Personnel and Human Resources are hereby authorized to enter into contract with Vocational Guidance Services, Inc. for the continued development

and the implementation and operation of the Youth Opportunity Program payable from Fund No. 18 SF 011, Request No. 103901.

Section 2. No later than June 1, 2002, the Directors of Economic Development and Personnel and Human Resources shall appear before the Community and Economic Development Committee to report on the status of the Youth Opportunity Program.

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

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 1967-01.
By Councilman Melena.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Detroit Shoreway Community Development Organization for renovation of the historic Courtland Building through the use of Ward 17 Neighborhood Equity Funds.

Whereas, the Housing Advisory Board of the City of Cleveland has reviewed and approved financial assistance to Detroit Shoreway Community Development Organization for the renovation of the historic Courtland Building to carry out the public purpose of providing rental housing to low-income residents in the City of Cleveland; and

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Detroit Shoreway Community Development Organization for renovation of the Historic Courtland Building to provide rental housing for low-income residents in the City of Cleveland through the use of Ward 17 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$150,000 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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 2150-01.
By Councilman Cimperman.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Cuyahoga Metropolitan Housing Authority to encroach into the public right-of-way of Washington Ave., West 28th St., Division Ave., & River Rd., in conjunction with the construction of the Lakeview Terrace Estates 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 Cuyahoga Metropolitan Housing Authority, 2711 Church Avenue, Cleveland, Ohio 44113 for the construction, use and maintenance of steps, walkways, fencing, ramps, monument sign and bench, and parking and landscaping areas for the Lakeview Terrace Estates Project, and which construction will encroach into the public right-of-way of portions of Washington Avenue, West 28th Street, Division Avenue, and River Road at the locations more fully described as follows:

LEGAL DESCRIPTION FOR 17.00 FOOT WIDE R/W ENCROACHMENT ALONG THE N.W. SIDE OF WASHINGTON AVE. AND WEST 28TH ST.

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being a part of Original Brooklyn Township Lot No. 51, further bounded and described as follows:

Beginning in the centerline of Washington Avenue (66.00 feet wide), at its intersection with the centerline of West 28th Street (width varies) lying to the northwest of said Washington Avenue;

Thence South 60°-00'-09" West, along said centerline of Washington Avenue, 44.96 feet to an angle point therein;

Thence South 59°-52'-53" West, continuing along said centerline of Washington Avenue, 158.79 feet to a point therein;

Thence North 30°-07'-07" West, 16.00 feet to the principal place of beginning

Course No. 1: Thence South 59°-52'-53" West, parallel with and 16.00 feet northwesterly from, by right angle measurement, said centerline of Washington Avenue, 303.00 feet to a point;

Course No. 2: Thence North 30°-07'-07" West, 17.00 feet to a point in the northwesterly line of said Washington Avenue;

Course No. 3: Thence North 59°-52'-53" East, along said northwesterly line of Washington Avenue, 303.00 feet to a point therein;

Course No. 4: Thence South 30°-07'-07" East, 17.00 feet to the principal place of beginning and containing 0.1184 acres (5,151 square feet).

LEGAL DESCRIPTION FOR R/W ENCROACHMENT WEST OF C/L OF WEST 28TH ST. & NORTH OF C/L OF WASHINGTON AVE.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of

Original Brooklyn Township Lot No. 51, further bounded and described as follows:

Beginning in the centerline of Washington Avenue (66.00 feet wide), at its intersection with the centerline of West 28th Street (width varies) lying to the northwest of said Washington Avenue;

Thence South 60°-00'-09" West, along said centerline of Washington Ave., 24.97 feet to a point therein;

Thence North 29°-59'-51" West, 14.00 feet to the principal place of beginning;

Course No. 1: Thence South 60°-00'-09" West, parallel with and 14.00 feet northwesterly from by right angle measurement, the aforementioned centerline of Washington Avenue, 20.00 feet to a point;

Course No. 2: Thence South 59°-52'-53" West, continuing parallel with and 14.00 feet northwesterly from, by right angle measurement, said centerline of Washington Avenue, 66.00 feet to a point;

Course No. 3: Thence North 30°-07'-07" West, 30.00 feet to a point;

Course No. 4: Thence North 59°-52'-53" East, parallel with and 44.00 feet northwesterly from, by right angle measurement, the aforementioned centerline of Washington Avenue, 66.03 feet to a point;

Course No. 5: Thence North 60°-00'-09" East, continuing parallel with and 44.00 feet northwesterly from, by right angle measurement, said centerline of Washington Avenue, 20.03 feet to a point;

Course No. 6: Thence South 29°-59'-51" East, 30.00 feet to the principal of beginning and containing 0.0593 acres (2,583.11 square feet).

LEGAL DESCRIPTION FOR 2.00-FOOT WIDE R/W ENCROACHMENT ALONG THE NORTHWEST SIDE OF DIVISION AVE., WEST OF WEST 28TH ST.

Situated in the City of Cleveland, County of Cuyahoga and state of Ohio and known as being a part of Original Brooklyn Township Lot No. 51, further bounded and described as follows:

Beginning at the intersection of the centerline of Division Avenue (50.00 feet wide) with the centerline of West 28th Street (width varies);

Thence South 59°-54'-33" West, along said center line of Division Avenue, 25.00 feet to a point therein;

Thence North 30°-05'-27" West, 23.00 feet to the principal place of beginning;

Course No. 1: Thence South 59°-54'-33" West, parallel with and 23.00 feet Northwesterly from, by right angle measurement, the aforementioned centerline of Division Avenue, 130.00 feet to a point;

Course No. 2: Thence North 30°-05'-27" West, 2.00 feet to a point in the Northwesterly line of said Division Avenue;

Course No. 3: Thence North 59°-54'-33" East, along said Northwesterly line of Division Avenue, 130.00 feet to a point therein;

Course No. 4: Thence South 30°-05'-27" East, 2.00 feet to the principal place of beginning and containing 0.0060 acres (260 square feet).

LEGAL DESCRIPTION OF R/W ENCROACHMENT ALONG THE SOUTHEAST SIDE OF RIVER ROAD, WEST OF MULBERRY STREET

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio and known as being a part of Original Brooklyn Township Lot No. 51, further bounded and described as follows:

Beginning at the intersection of the centerline of Mulberry Street N.W. (66.00 feet wide) with the centerline of River Road (width varies);

Thence South 19°-03'-08" West, along said centerline of River Road 261.11 feet to a point therein;

Thence South 70°-56'-52" East, 13.00 feet to the principal place of beginning;

Course No. 1: Thence South 70°-56'-52" East, to a point in the Southeastern line of said River Road;

Course No. 2: Thence South 19°-03'-08" West, along said Southeastern line of River Road, 995.00 feet to a point therein;

Course No. 3: Thence N. 70°-56'-52" West, to a point that is 13.00 feet Southeastly from, by right angle measurement, the aforementioned centerline of River Road;

Course N. 4: Thence North 19°-03'-08" East, along a line that is parallel with and 13.00 feet Southeastly from, by right angle measurement, said centerline of River Road, 995.00 feet to the principal place of beginning.

Section 2. That said steps, walkways, fencing, ramps, monument sign and bench, and parking and landscaping areas, 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 steps, walkways, fencing, ramps, monument sign and bench, and parking and landscaping areas are constructed.

Section 3. That the Permit herein authorized shall reserve reasonable right of entry to the City of Cleveland; and that said Permit shall require the Permittee to provide General Limited Liability Insurance, and that Permittee shall maintain the permitted encroachment area, and that the Permittee shall pay any applicable taxes and assessments due and/or owing on the permitted encroachment area.

Section 4. That the 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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 2157-01.
By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of diesel fuel, 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 hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of diesel fuel 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall not exceed \$1.4 million dollars and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 103350)

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

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 142-02.
By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into contract without competitive bidding with CrossMatch Technologies, Inc. for the purchase of a fingerprint-based criminal history records check system, including equipment, software, supplies, maintenance and training, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Whereas, in order to enhance airport terminal security, the Federal Aviation Administration (FAA) has promulgated rules requiring airport operators to implement fingerprint-based criminal history records checks by December 6, 2002 for individuals seeking unescorted access authority; and

Whereas, in order to comply with the FAA deadline, the City must immediately acquire and implement such a fingerprint-based system in

order to complete records checks for all affected persons no later than December 6, 2002; and

Whereas, the Acting Director of Port Control has recommended that, based on considerations of cost, quality, and delivery date, the City should contract with CrossMatch Technologies, Inc. to provide the necessary equipment, software, supplies, maintenance, and training; and

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written contract with said CrossMatch Technologies, Inc. upon the basis of its proposal dated December 27, 2001, for a fingerprint-based criminal history records check system, including equipment, software, supplies, maintenance and training, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control, for an estimated cost of \$27,507.00.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 113520.

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

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 143-02.
By Councilman Coats.
An emergency ordinance to determine the method of making the public improvement of installing a new playground at the Euclid Park Elementary School and authorizing the Director of Parks, Properties, and Recreation to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement to install a playground at the Euclid Park Elementary School located at 17914 Euclid Avenue in Ward 10 of the City of Cleveland for the Department of Parks, Properties, and Recreation, by contract duly let to the lowest responsible bidder after competitive bidding for the improvement.

Section 2. That the Director of Parks, Properties, and Recreation be authorized to enter into a 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 distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract (UPON A UNIT BASIS).

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

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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 144-02.
By Councilman Conwell.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 9. (Nikolaos Likos)

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 9; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 9: Nikolaos Likos at corner of Ford Drive and Juniper Road.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 145-02.

By Councilman Gordon.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Old Brooklyn Community Development Corporation for the Neighborhood Safety Post Lamp Lighting Project 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 Old Brooklyn Community Development Corporation for Neighborhood Safety Post Lamp Lighting Project for the public purpose of installing post lamps in Ward 15 neighborhoods to provide a deterrent to crime and increase safety.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 146-02.
By Councilman Johnson.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation to conduct a home repair assistance program through the use of Ward 4 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 Buckeye Area Development Corporation to conduct a home repair assistance program for the public purpose of repairing homes of Cleveland residents through the use of Ward 4 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$235,000 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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 147-02.
By Councilman Johnson.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Shaker Square Area Development Corporation for Moreland Greens Apartments Revitalization Project through the use of Ward 4 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 Shaker Square Area Development Corporation for the Moreland Greens Apartment Revitalization Project in the S. Moreland Apartment Corridor area for the public purpose of providing housing opportunities for Cleveland residents through the use of Ward 4 Neighborhood Equity Funds.

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

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

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

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 148-02.
By Councilman Lewis.
An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Famicos Foundation to develop a labor force initiative program in the Cleveland Empowerment Zone, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Famicos Foundation to develop a labor force initiative program for the Cleveland Empowerment Zone with program offices to be located in the Hough Community

Area. The program to be developed shall provide for exposure of citizens aged 6 to 18 years to the work environment through education and participation, and for the removal of barriers to employment and the creation of employment opportunities for citizens aged 19 to 40 years.

Section 2. That the costs of said contract shall not exceed \$150,000 and shall be paid from Fund No. 18 SF 007.

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

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 149-02.

By Councilman Polensek.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Shores Development Corporation for Paulich Properties Project through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Shores Development Corporation for the Paulich Properties Project for the rehabilitation of commercial and residential units, and a parking lot for the public purpose of providing housing opportunities, and job creation for Cleveland residents through the use of Ward 11 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 150-02.

By Councilman Polensek.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Shores Development Corporation for Second Mortgage Financing for the Water's Edge Townhomes through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Shores Development Corporation as the City's agent in carrying out a second mortgage program as an incentive for homeownership at the Water's Edge Townhome Condominiums in Ward 11 for the public purpose of providing housing opportunities for City residents through the use of Ward 11 Neighborhood Equity Funds.

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

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

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

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 151-02.

By Councilman White.

An emergency ordinance authorizing the Director of Parks, Recreation, and Properties to enter into an agreement with Miles Avenue Family YMCA for Miles Family YMCA Enrichment Project 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 Parks, Recreation, and Properties is authorized to enter into an agreement with Miles Avenue Family YMCA for the Miles Family YMCA Enrichment Project for the public purpose of providing community based programs, sports activities, social enrichment programs for senior citizens and youth that reside in the City of Cleveland 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 \$117,500 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.

Passed January 28, 2002.
Effective February 4, 2002.

Ord. No. 152-02.

By Councilman White.

An emergency ordinance to determine the method of making the public improvement of planting street trees in the public-right-of-way at the Mill Creek housing development site and authorizing the Director of Parks, Properties, and Recreation to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting street trees in the public-right-of-way at the Mill Creek Housing Development Site located in the Warner-Turney area of Ward 2 in the City of Cleveland for the Department of Parks, Properties, and Recreation, by contract duly let to the lowest responsible bidder after competitive bidding for the improvement.

Section 2. That the Director of Parks, Properties, Recreation be authorized to enter into a 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 distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract (UPON A UNIT BASIS).

Section 3. That the cost of said 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.

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.

Passed January 28, 2002.
Effective February 4, 2002.

**COUNCIL COMMITTEE
MEETINGS**

Monday, February 4, 2002

Finance Committee: 2:00 p.m.
— Present: Polensek, Chairman; Jackson, Vice Chairman; Westbrook, Gordon, Reed, White, Sweeney, Coats, Brady, Scott. Excused: Britt.

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

APCOA

Erie View/Galleria parking lots — agreement — APCOA Standard Parking — Parks,
 Recreation and Properties Dept. (O 2413-01) 125

Appreciation

Kovac, Reverend Walter J. (R 181-02) 112

Appropriations

City of Cleveland — Year 2002 (O 182-02) 112

Banners

Professor Ave. — Spanish American Committee Day Care (Ward 13) (O 188-02) 123

Board of Building Standards and Building Appeals

Cedar Avenue, 9907-09, (Ward 6) — Mary T. Whitfield, owner — appeal adopted on 1/30/02
 (Doc. A-160-01) 133

Drexmore Road, 13330, (Ward 4) — Seventeenth Street Associates, Inc., owner — appeal
 postponed to 2/27/02 on 1/30/02 (Doc. A-185-01) 132

East 105th Street, 1942, (Ward 6) — Bernard Adams, owner — appeal adopted on 1/30/02
 (Doc. A-178-01) 133

East 131st Street, 246, (Ward 10) — Freeway Industrial Properties, owner — appeal
 postponed on 1/30/02 (Doc. A-187-01) 132

East 134rd Street, 1154, (a.k.a. 1154-60 East 134th Street), (Ward 10) — Kiser Houston,
 owner — amended extension of time on 1/30/02 (Doc. A-127-01) 133

East 4th Street, 2031, (Ward 13) — Richard Maron, owner — appeal resolved on 1/30/02
 (Doc. A-7-02) 132

East 68th Street, 3113, (Ward 12) — LaSalle National Bank, c/o Superior Bank, mortgagee —
 appeal adopted on 1/30/02 (Doc. A-177-01) 133

Eddy Road, 830, (Ward 9) — Darnell Champion, land contract owner — appeal adopted
 on 1/30/02 (Doc. A-174-01) 133

Kinkle Avenue, 2331, (Ward 14) — Victor Leparskas, c/o Russell Meraglio, guardian —
 appeal adopted on 1/30/02 (Doc. A-168-01) 133

Lakeside Avenue, 2100, (Ward 13) — The Salvation Army, owner — informal hearing on
 1/30/02 (Doc. A-160-00) 133

Lakewood Heights Boulevard, 13705, (Ward 13) — Greater Cleveland Regional Transit
 Authority, owner — appeal resolved on 1/30/02 (Doc. A-6-02) 132

Laumar Avenue, 7917, (Ward 12) — Wells Fargo Home Mortgage, Inc., mortgagee — appeal
 adopted on 1/30/02 (Doc. A-175-01) 133

Longmead Avenue, 11722, (Ward 20) — Jodie Crawford, owner — appeal resolved on 1/30/02
 (Doc. A-189-01) 132

St. Clair Avenue, 1437, (Ward 13) — Jerry Szoka, owner — appeal resolved on 1/30/02
 (Doc. A-9-02) 132

St. Clair Avenue, 18008, (Ward 11) — Edward McMullen, owner — appeal resolved on 1/30/02
 (Doc. A-188-01) 132

Stickney Avenue, 4813, (Ward 16) — Sharon Schubert, owner — appeal adopted on
 1/30/02 (Doc. A-167-01) 133

Stock Avenue, 6400, (Ward 17) — West Side Metals, Inc., owner — appeal resolved on
 1/30/02 (Doc. A-1-02) 132

Superior Avenue, 1729, (Ward 13) — Sunshine Ltd., owner — appeal resolved on 1/30/02
 (Doc. A-4-02) 132

Superior Avenue, 2400, (Ward 13) — Raymel Investment Company, owner — appeal resolved on
 1/30/02 (Doc. A-184-01) 131

W. St. Clair Avenue, 623, (Ward 13) — Mark T. Yager, owner — appeal resolved on 1/30/02
 (Doc. A-8-02) 132

West 11th Street, 3006, (Ward 13) — Ronald Fedor, owner — appeal adopted on 1/30/02
 (Doc. A-169-01) 133

Board of Control — Burke Lakefront Airport Division

Earth Day Coalition — concession agreement for Clean Fuel Seminar — February 13, 2002 — Division of Burke Lakefront Airport, Dept. of Port Control (BOC Res. 38-02)	128
---	-----

Board of Control — Community Development Department

East 63rd Street, 1123 (Ward 13) — PPN 105-21-094 — to Earl A. Zorko (BOC Res. 41-02)	129
West 17th Street, 2949 (Ward 14) — PPN 008-02-049 — to Kriesten Miklos (BOC Res. 43-02)	129
West 41st Street, 2080 (rear) (Ward 14) — PPN 007-01-026 — to Robert L. Dotson, trustee (BOC Res. 42-02)	129
West 48th Street, 1934 (Ward 14) — PPN 002-34-063 — to John Laut and Anna Laut (BOC Res. 40-02)	128

Board of Control — Concession Agreement

Earth Day Coalition — concession agreement for Clean Fuel Seminar — February 13, 2002 — Division of Burke Lakefront Airport, Dept. of Port Control (BOC Res. 38-02)	128
---	-----

Board of Control — Correction Division

Nursing services — contract per Ord. 2086-01 to A-1 Health Care, Inc. — Division of Correction, Dept. of Public Health (BOC Res. 44-02)	129
---	-----

Board of Control — Cuyahoga County Board of Commissioners

Pleasant Valley Road — PPN 454-18-004 — to Board of Commissioners of Cuyahoga County — per Ord. 1550-01 (BOC Res. 37-02)	128
--	-----

Board of Control — Finance Department

Pleasant Valley Road — PPN 454-18-004 — to Board of Commissioners of Cuyahoga County — per Ord. 1550-01 (BOC Res. 37-02)	128
--	-----

Board of Control — Land Reutilization Program

East 63rd Street, 1123 (Ward 13) — PPN 105-21-094 — to Earl A. Zorko (BOC Res. 41-02)	129
West 17th Street, 2949 (Ward 14) — PPN 008-02-049 — to Kriesten Miklos (BOC Res. 43-02)	129
West 41st Street, 2080 (rear) (Ward 14) — PPN 007-01-026 — to Robert L. Dotson, trustee (BOC Res. 42-02)	129
West 48th Street, 1934 (Ward 14) — PPN 002-34-063 — to John Laut and Anna Laut (BOC Res. 40-02)	128

Board of Control — Land Reutilization Program (Ward 13)

East 63rd Street, 1123 (Ward 13) — PPN 105-21-094 — to Earl A. Zorko (BOC Res. 41-02)	129
---	-----

Board of Control — Land Reutilization Program (Ward 14)

West 17th Street, 2949 (Ward 14) — PPN 008-02-049 — to Kriesten Miklos (BOC Res. 43-02)	129
West 41st Street, 2080 (rear) (Ward 14) — PPN 007-01-026 — to Robert L. Dotson, trustee (BOC Res. 42-02)	129
West 48th Street, 1934 (Ward 14) — PPN 002-34-063 — to John Laut and Anna Laut (BOC Res. 40-02)	128

Board of Control — Land Sales

Pleasant Valley Road — PPN 454-18-004 — to Board of Commissioners of Cuyahoga County —
per Ord. 1550-01 (BOC Res. 37-02)..... 128

Board of Control — Parks, Recreation and Properties Department

Cudell Fine Arts Building exterior painting — contract per Ord. 1728-2000 to John’s
Painting Company — Dept. of Parks, Recreation and Properties
(BOC Res. 39-02)..... 128

Board of Control — Port Control Department

Earth Day Coalition — concession agreement for Clean Fuel Seminar — February
13, 2002 — Division of Burke Lakefront Airport, Dept. of Port Control
(BOC Res. 38-02)..... 128

Board of Control — Public Health Department

Nursing services — contract per Ord. 2086-01 to A-1 Health Care, Inc. — Division of
Correction, Dept. of Public Health (BOC Res. 44-02)..... 129

Board of Control — Public Improvement Contracts

Cudell Fine Arts Building exterior painting — contract per Ord. 1728-2000 to John’s
Painting Company — Dept. of Parks, Recreation and Properties
(BOC Res. 39-02)..... 128

Board of Control — Purchases and Supplies Division

Pleasant Valley Road — PPN 454-18-004 — to Board of Commissioners of Cuyahoga County —
per Ord. 1550-01 (BOC Res. 37-02)..... 128

Board of Control — Requirement Contracts

Nursing services — contract per Ord. 2086-01 to A-1 Health Care, Inc. — Division of
Correction, Dept. of Public Health (BOC Res. 44-02)..... 129

Board of Zoning Appeals — Report

Broadview Road, 3315, (Ward 15) — A & K Investment / Jack Amburgey, owner, c/o John
Rakauskas, agent — appeal heard on 2/4/02 (Cal. 01-354) 131
Carnegie Avenue, 8212, (Ward 6) — Eleanor Norwood, owner — appeal dismissed on
2/4/02 (Cal. 01-317)..... 131
Coit Road, 13404, (Ward 10) — Delonte Rollins, owner — appeal denied and adopted on
2/4/02 (Cal. 01-348)..... 131
East 131st Street, 3662, (Ward 3) — James Cameron, owner — appeal granted and adopted on
2/4/02 (Cal. 01-347)..... 131
Edgewater Drive, 10707, (Ward 17) — Matt Gillespie, owner — appeal granted and adopted
on 2/4/02 (Cal. 01-349) 131
Elk Avenue, 10201, (Ward 8) — J.C. Green, owner — appeal postponed to 2/19/02 on 2/4/02
(Cal. 01-357)..... 131
Harvard Avenue, 7770, (Ward 12) — Waterworks Enterprise, Ltd., owners, and Crown Cleaning
Systems, tenant, c/o James Crowe, agent — appeal heard on 1/28/02
(Cal. 01-312)..... 98
Hough Avenue, 8219, (Ward 7) — Christian Family Center, owner, c/o Rev. McGhee, pastor —
appeal postponed to 3/11/02 on 2/4/02 (Cal. 01-355) 131
Literary Road, 613, (Ward 13) — Bridge Avenue Development Ltd., owner, c/o
Brian McCreary, agent — appeal granted and adopted on 2/4/02 (Cal. 01-346) 131
Parkview Avenue, 9713, (Ward 4) — Carrie Evans, owner, and Johnnie Evans, tenant — appeal
denied and adopted on 2/4/02 (Cal. 01-307) 131
Tremont Avenue, 2357, (Ward 13) — Positive Education Program, owners and Bruce Farkas,
agent — appeal granted and adopted on 2/4/02 (Cal. 01-361) 131
West 143rd Street, 4026, (Ward 20) — Joanne A. Meier, owner — appeal denied and adopted
on 2/4/02 (Cal. 01-353)..... 131

West 58th Street, 1983, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-325).....	130
West 58th Street, 1985, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-327).....	130
West 58th Street, 1987, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-329).....	130
West 58th Street, 1989, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-331).....	131
West 58th Street, 1991, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-334).....	131
West 58th Street, 1993, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-336).....	131
West 58th Street, 1995, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-338).....	131
West 58th Street, 1997, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-340).....	131
West 58th Street, 1999, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-342).....	131
West 58th Street, 2001, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-344).....	131
West 58th Street, 2003, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-326).....	130
West 58th Street, 2005, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-328).....	130
West 58th Street, 2007, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-330).....	130
West 58th Street, 2009, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-332).....	131
West 58th Street, 2011, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-333).....	131
West 58th Street, 2013, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-335).....	131
West 58th Street, 2015, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-337).....	131
West 58th Street, 2017, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-339).....	131
West 58th Street, 2019, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-341).....	131
West 58th Street, 2021, (Ward 17) — Evergreen 58 Corporation, owner, c/o David Rowe, agent — appeal heard on 2/4/02 (Cal. 01-343).....	131

Board of Zoning Appeals — Schedule

Canal Road, 351, (Ward 13) — F.C. Southridge Corporation, owner, and Trevor Ralph, d.b.a. Odeon LLC, lessee — appeal to be heard on 2/19/02 (Cal. 01-370).....	130
Cassius Avenue, 9322, (Ward 2) — Lawrence Clark and Jeff Higerd, owners — appeal to be heard on 2/19/02 (Cal. 01-371)	130
Craven Avenue, 12514, (Ward 2) — Ronald Smith, owner — appeal to be heard on 2/19/02 (Cal. 01-366).....	130
East 105th Street, 1411, (Ward 9) — Yvonne Wilson, owner — appeal to be heard on 2/19/02 (Cal. 01-373).....	130
East 105th Street, 488, (Ward 8) — J.C. Green, owner — appeal to be heard on 2/19/02 (Cal. 01-358).....	130
East 83rd Street, 2237-2239, (also 2229-2233 East 83rd Street), (Ward 6) — Eden Inc., owner, c/o Robert Shearer, agent — appeal to be heard on 2/19/02 (Cal. 01-368 and 01-369)	130
Payne Avenue, 3608, (Ward 13) — Payne Avenue Properties, LLC, owner, c/o Dal Jaffray, agent — appeal to be heard on 2/19/02 (Cal. 01-367).....	130
St. Clair Avenue, 17149, (Ward 11) — All City Recycling Inc., owner — appeal to be heard on 2/19/02 (Cal. 01-374)	130
West 19th Street, 1976, (Ward 13) — Virginia Peck, owner — appeal to be heard on 2/19/02 (Cal. 01-372).....	130

Buckeye Area Development Corporation

Home Repair Assistance Program — Neighborhood Equity Funds (Ward 4) Community
 Development Dept. (O 146-02) 139

City of Cleveland Bids

Auto / truck spring repair — Department of Public Service — Division of Motor
 Vehicle Maintenance — per Ord. 2027-01 — bid due February 22, 2002
 (advertised 2/6/2002 and 2/13/2002)..... 134
 Recyclable material processing services contract “EW” (re-bid) — Department of
 Public Service — Division of Waste Collection and Disposal — per Ord. 1868-2000 —
 bid due February 15, 2002 (advertised 2/6/2002 and 2/13/2002) 134
 Ring and pinion gear fabrication — Department of Public Utilities — Division of Water —
 per Ord. 824-2000 — bid due February 28, 2002 (advertised 2/6/2002 and 2/13/2002) 134
 Vehicle maintenance equipment (re-bid) — Department of Public Utilities — Division
 of Cleveland Public Power — per Ord. 843-01 — bid due February 28, 2002
 (advertised 2/6/2002 and 2/13/2002)..... 134

City Council

Legislative Service Division — supplement Code Section 125.01
 (O 1484-A-01)..... 123-T

City Planning Commission

Detroit Shoreway Community Development Org. — Courtland Building — renovate —
 Neighborhood Equity Funds (Ward 17) (O 1967-01) 137

Civil Service Commission

Galindo, Reynaldo — Oath of Office (F 167-02) 111

Clerk of Council

Codified Ordinances — Traffic and General Offenses Codes, recodification — consultants
 (O 2149-01) 126

Cleveland Hopkins International Airport

CrossMatch Technologies, Inc. — fingerprint-based criminal history record check system
 — Port Control Dept. (O 142-02) 138

Cleveland Municipal School District

Euclid Park Elementary School — new playground — Parks, Recreation and Properties Dept.
 (O 143-02) 138

Cleveland Public Power

Computer software vendors — contract — Public Utilities Dept.
 (O 1950-01) 125-127
 Fencing — repair, replace & install — contract — Water Division — Public Utilities
 Dept. (O 2358-01) 125-128
 Network and interface equipment — consultants — Public Utilities Dept.
 (O 1949-01) 125-126

Codified Ordinances

Gambling — amend Code Sections 611.01 and 611.02 — Public Safety Dept.
 (O 184-02) 119
 Legislative Service Division — supplement Code Section 125.01 — City Council
 (O 1484-A-01)..... 123-T
 Traffic and General Offenses Codes, recodification — consultants — Clerk of Council
 (O 2149-01) 126

Communications

Bess, Willie — Acting Commissioner of Environment — Oath of Office (F 166-02)	111
Galindo, Reynaldo — Civil Service Commission — Oath of Office (F 167-02)	111

Community Development

Buckeye Area Development Corp. — Home Repair Assistance Program — Neighborhood Equity Funds (Ward 4) (O 146-02)	139
Detroit Shoreway Community Development Org. — Courtland Building — renovate — Neighborhood Equity Funds (Ward 17) (O 1967-01)	137
Moreland Greens Apartments Revitalization Project — Shaker Square Area Development Corp. — Neighborhood Equity Funds (Ward 4) (O 147-02)	139
Northeastern Neighborhood Development Corp. — agreement — Forest Hills Place Elderly Housing Project — Neighborhood Equity Funds (Ward 10) (O 1964-01)	126
Old Brooklyn Community Development Corp. — Neighborhood Safety Post Lamp Lighting Project — Neighborhood Equity Funds (Ward 15) (O 145-02)	139
Paulich Buildings — Northeast Shores Development Corp. — Neighborhood Equity Funds (Ward 11) (O 149-02)	140
Water's Edge Townhomes — Second Mortgage Financing — Northeast Shores Development Corp. — Neighborhood Equity Funds (Ward 11) (O 150-02)	140
Westside Industrial Retention & Expansion Network — Industrial Retention & Public Safety Programs — agreement — Neighborhood Equity Funds (Ward 17, 18, 19, and 20) (O 187-02)	123

Condolences

Babbit, Shirley (R 173-02)	112
Finnerty, Kathleen (R 170-02)	112
Mrs. Madden (R 171-02)	112
Smith, Horace (R 172-02)	112
Wiebush, Marjorie K. (R 169-02)	112

Congratulations

Caffie, Barbara Jean (R 177-02)	112
Hill, Edward (R 175-02)	112
Jacobsen, Joanne (R 178-02)	112
Patrick, Meg (R 174-02)	112
Vega, Sister M. Rosario (R 176-02)	112

Congress of United States

Federal tax laws — large corporations — urge review and modification (R 157-02)	135
---	-----

Contracts

L.J.D. & Associates — Team Approach to Violence Against Women Program — Law Dept. (O 2166-01)	126
PeopleSoft, Inc. — employee training — Financial Reporting and Control Division (O 2026-01)	125-127
Warwick Communications, Inc. — telephone system maintenance — Water Division — Public Utilities Dept. (O 2347-01)	125-127
Youth Opportunity Program — Vocational Guidance Services, Inc. — Economic Development Dept. — Personnel & Human Resources Dept. (O 1867-01)	136

Criminal Justice Services Agency

Juvenile Accountability Incentive Block Grant Program — grant — Public Safety Dept. (O 185-02)	122
L.J.D. & Associates — contract — Team Approach to Violence Against Women Program — Law Dept. (O 2166-01)	126

Cuyahoga Metropolitan Housing Authority

Lakeview Terrance Estates Project — encroachment — Washington Ave., W. 28 St., Division Ave., & River Rd. — Public Service Dept. (O 2150-01)..... 137

Detroit Shoreway Community Development Organization

Courtland Building — renovate — Neighborhood Equity Funds (Ward 17) (O 1967-01) 137

Economic Development Department

Achievement Centers for Children — Purchase Agreement — Cleveland Enterprise Park — Parks, Recreation and Properties Dept. (O 2412-01) 125
 Glenville Development Corp. — site improvements — St. Clair Ave. & E. 105 St. — grant (O 1745-01) 126
 Labor force initiative program — Empowerment Zone — Famicos Foundation (O 148-02) 139
 Miles Ave., 13301 & 15322 St. Clair Ave. — Northeast Ohio Neighborhood Health Services, Inc. — grant — economic development assistance — Economic Development (O 186-02) 122
 Ohio Canal Corridor — grant — Ohio Canal Towpath Trail (O 1917-01) 125
 Slavic Village Development Corp. — property acquisition — lower Broadway — Neighborhood Equity Funds (Ward 12) (O 1984-01) 126
 Youth Opportunity Program — contract — Vocational Guidance Services, Inc. — Personnel & Human Resources Dept. (O 1867-01)..... 136

Emergency Medical Service Division

Medical supplies & equipment — contract (O 2164-01) 126

Empowerment Zone

Labor force initiative program — Famicos Foundation — Economic Development Dept. (O 148-02) 139

Encroachments

Lakeview Terrance Estates Project, CMHA — Washington Ave., W. 28 St., Division Ave., & River Rd. — Public Service Dept. (O 2150-01) 137

Famicos Foundation

Labor force initiative program — Empowerment Zone — Economic Development Dept. (O 148-02) 139

Finance Department

Appropriations — City of Cleveland — Year 2002 (O 182-02)..... 112
 Janitorial supplies — various divisions (O 2024-01) 125-127
 Landscape material and supplies — various divisions (O 2023-01) 125-127
 PeopleSoft, Inc. — employee training — contract — Financial Reporting and Control Division (O 2026-01)..... 125-127
 Performance audit — Jim Petro, Auditor of State (O 183-02)..... 119

Gambling

Amend Code Sections 611.01 and 611.02 — Public Safety Dept. (O 184-02) 119

Glenville Development Corporation

St. Clair Ave. & E. 105 St. — site improvements — grant — Economic Development Dept. (O 1745-01) 126

Grants

Juvenile Accountability Incentive Block Grant Program — Criminal Justice Services Agency — Public Safety Dept. (O 185-02)	122
Miles Ave., 13301 & 15322 St. Clair Ave. — Northeast Ohio Neighborhood Health Services, Inc. — economic development assistance — Economic Development Dept. (O 186-02)	122
Ohio Canal Corridor — Ohio Canal Towpath Trail — Economic Development Dept. (O 1917-01)	125

Health Department

Bess, Willie — Acting Commissioner of Environment — Oath of Office (F 166-02)	111
--	-----

Juveniles

Juvenile Accountability Incentive Block Grant Program — Criminal Justice Services Agency — grant — Public Safety Dept. (O 185-02).....	122
---	-----

Law Department

L.J.D. & Associates — contract — Team Approach to Violence Against Women Program (O 2166-01)	126
---	-----

Liquor Permits

Detroit Ave., 8808 — renewal — withdraw objection (Ward 18) (R 160-02)	136
E. 131 St., 3976 — renewal — withdraw objection (Ward 3) (R 159-02).....	136
E. 131 St., 4025 — transfer ownership & location — application (Ward 2) (F 165-02).....	111
E. 131 St., 4209 — transfer ownership — objection (Ward 1) (R 155-02)	135
Lakewood Heights Blvd., 13429 — renewal — withdraw objection (Ward 19) (R 154-02)	135
Pearl Rd., 5178-80 — transfer ownership — application (Ward 16) (F 163-02)	111
Rexford, 12312 — issuance — objection (Ward 1) (R 156-02)	135
Superior Ave., 11231 — new application (Ward 9) (F 161-02)	111
Superior Ave., 2553 — transfer ownership — application (Ward 13) (F 164-02)	111
Superior Ave., 7104 — new application (Ward 7) (F 162-02)	111
Union Ave., 10420 — issuance — objection (Ward 3) (R 158-02).....	136

Motor Vehicle Maintenance Division

Diesel fuel — contract (O 2157-01)	138
Transmissions, remanufactured (O 2028-01)	125-127

Neighborhood Equity Funds

Buckeye Area Development Corp. — Home Repair Assistance Program (Ward 4) Community Development Dept. (O 146-02).....	139
Detroit Shoreway Community Development Org. — Courtland Building — renovate (Ward 17) (O 1967-01)	137
Miles Avenue Family YMCA — Enrichment Project (Ward 2) Parks, Recreation, and Properties Dept. (O 151-02).....	140
Moreland Greens Apartments Revitalization Project — Shaker Square Area Development Corp. (Ward 4) Community Development Dept. (O 147-02).....	139
Northeastern Neighborhood Development Corp. — agreement — Forest Hills Place Elderly Housing Project (Ward 10) (O 1964-01).....	126
Old Brooklyn Community Development Corp. — Neighborhood Safety Post Lamp Lighting Project (Ward 15) Community Development Dept. (O 145-02)	139
Paulich Buildings — Northeast Shores Development Corp. (Ward 11) Community Development Dept. (O 149-02).....	140
Slavic Village Development Corp. — property acquisition — lower Broadway (Ward 12) (O 1984-01).....	126

Water's Edge Townhomes — Second Mortgage Financing — Northeast Shores Development Corp.
 (Ward 11) Community Development (O 150-02)..... **140**
 Westside Industrial Retention & Expansion Network — Industrial Retention & Public Safety
 Programs — agreement — Community Development Dept. (Ward 17, 18, 19, and 20)
 (O 187-02) 123

Northeast Shores Development Corporation

Paulich Buildings — Neighborhood Equity Funds (Ward 11) Community Development Dept.
 (O 149-02) **140**
 Water's Edge Townhomes — Second Mortgage Financing — Neighborhood Equity Funds (Ward
 11) Community Development (O 150-02) **140**

Oath of Office

Bess, Willie — Acting Commissioner of Environment (F 166-02) 111
 Galindo, Reynaldo — Civil Service Commission (F 167-02)..... 111

Ohio General Assembly

“Ohio Care” — urge adoption (R 153-02)..... **134**

Old Brooklyn Community Development Corporation

Neighborhood Safety Post Lamp Lighting Project — Neighborhood Equity Funds (Ward 15)
 Community Development Dept. (O 145-02)..... **139**

Parking

Erie View/Galleria parking lots — agreement — APCOA Standard Parking — Parks,
 Recreation and Properties Dept. (O 2413-01) 125

Parks, Recreation and Properties Department

Achievement Centers for Children — Purchase Agreement — Cleveland Enterprise Park —
 Economic Development Dept. (O 2412-01) 125
 Erie View/Galleria parking lots — agreement — APCOA Standard Parking
 (O 2413-01) 125
 Euclid Park Elementary School — new playground (O 143-02)..... **138**
 Miles Avenue Family YMCA — Enrichment Project — Neighborhood Equity Funds (Ward
 2) (O 151-02)..... **140**
 Mill Creek housing development — plant trees (O 152-02) **140**

Peddlers

Jackson, Vanetta (Ward 4) (O 189-02)..... 124
 Likos, Nikolaos (Ward 9) (O 144-02) **139**

Personnel Department

Youth Opportunity Program — contract — Vocational Guidance Services, Inc. — Economic
 Development Dept. (O 1867-01) **136**

Plats

Alta Development, LLC. - Subdivision Plat. (Ward 6) (F 168-02) 112

Playgrounds

Euclid Park Elementary School — new playground — Parks, Recreation and Properties Dept.
 (O 143-02) **138**

Police Division

DARE Program, 2001-02 — contract (O 2165-01) 126

Port Control Department

CrossMatch Technologies, Inc. — fingerprint-based criminal history record check system — Cleveland Hopkins International Airport (O 142-02)	138
Surveyors — employ (O 1210-01)	126

Real Estate

Achievement Centers for Children — Purchase Agreement — Cleveland Enterprise Park — Economic Development Dept. — Parks, Recreation and Properties Dept. (O 2412-01)	125
---	-----

Recognition

Butler, Detective James A. (R 180-02)	112
Lithuania's Independence - 84th Anniversary (R 179-02)	112

Resolutions - Miscellaneous

"Ohio Care" — urge adoption — Ohio General Assembly (R 153-02)	134
Catholic Charities Facilities Corp. — senior housing complex — 11500 Detroit Ave. (Ward 18) (R 192-02)	124
Federal tax laws — large corporations — urge review and modification (R 157-02)	135
Ohio Prescription Drug Fair Pricing Act — urge passage — Ohio House Bill 290 and Ohio Senate Bill 127 (R 191-02)	124

Ridge Road Transfer Station

Repair ventilation system, reinforce push wall & replace load out chutes — Waste Collection and Disposal Division (O 190-02).....	124
--	-----

Safety Department

DARE Program, 2001-02 — contract — Police Division (O 2165-01)	126
Gambling — amend Code Sections 611.01 and 611.02 (O 184-02).....	119
Juvenile Accountability Incentive Block Grant Program — Criminal Justice Services Agency — grant (O 185-02).....	122
L.J.D. & Associates — contract — Team Approach to Violence Against Women Program — Law Dept. (O 2166-01).....	126
Medical supplies & equipment — contract — Emergency Medical Service Division (O 2164-01)	126

Service Department

Diesel fuel — contract — Motor Vehicle Maintenance Division (O 2157-01)	138
Lakeview Terrance Estates Project, CMHA — encroachment — Washington Ave., W. 28 St., Division Ave., & River Rd. (O 2150-01)	137
Ridge Road Transfer Station — repair ventilation system, reinforce push wall & replace load out chutes — Waste Collection and Disposal Division (O 190-02)	124
Transmissions, remanufactured — Motor Vehicle Maintenance Division (O 2028-01)	125-127

Shaker Square Area Development Corporation

Moreland Greens Apartments Revitalization Project — Neighborhood Equity Funds (Ward 4) Community Development Dept. (O 147-02).....	139
---	-----

Slavic Village Development Corp.

Property acquisition — lower Broadway — Neighborhood Equity Funds (Ward 12) (O 1984-01)	126
--	-----

State Auditor

Performance audit — Jim Petro, Auditor of State — Finance Dept. (O 183-02)..... 119

State of Ohio

Ohio Prescription Drug Fair Pricing Act — urge passage — Ohio House Bill 290 and Ohio
Senate Bill 127 (R 191-02) 124

Traffic Code

Codified Ordinances — Traffic and General Offenses Codes, recodification — consultants
— Clerk of Council (O 2149-01) 126

Trees

Mill Creek housing development — plant trees — Parks, Recreation, and Properties Dept.
(O 152-02) **140**

Utilities Department

Computer software vendors — contract (O 1950-01) 125-127
Drive recorder, monitor, keyboard & mouse — contract — Water Pollution Control Div.
(O 1809-01) 125-126
Electric motors, switchgear, controls & appurtenances — maintain, repair & replace —
contract — Water Division (O 2356-01)..... 125-127
Fencing — repair, replace & installation — contract — Cleveland Public Power — Water
Division (O 2358-01)..... 125-128
Motor switchgear, controls & appurtenances — maintain, repair, replace & test —
contract — Water Division (O 2355-01)..... 125-127
Network and interface equipment — professional consultants (O 1949-01) 125-126
Warwick Communications, Inc. — contract — telephone system maintenance — Water
Division (O 2347-01)..... 125-127

Vocational Guidance Services

Youth Opportunity Program — contract — Economic Development Dept. — Personnel & Human
Resources Dept. (O 1867-01)..... **136**

Ward 01

E. 131 St., 4209 — transfer ownership — objection — Liquor Permit (R 155-02)..... **135**
Rexford, 12312 — issuance — objection — Liquor Permit (R 156-02) **135**

Ward 02

E. 131 St., 4025 — transfer ownership & location — application — Liquor Permit
(F 165-02) 111
Miles Avenue Family YMCA — Enrichment Project — Neighborhood Equity Funds — Parks,
Recreation, and Properties Dept. (O 151-02)..... **140**
Mill Creek housing development — plant trees — Parks, Recreation, and Properties Dept.
(O 152-02) **140**

Ward 03

E. 131 St., 3976 — renewal — withdraw objection — Liquor Permit (R 159-02) **136**
Union Ave., 10420 — issuance — objection — Liquor Permit (R 158-02) **136**

Ward 04

Buckeye Area Development Corp. — Home Repair Assistance Program — Neighborhood Equity
Funds — Community Development Dept. (O 146-02) **139**
Jackson, Vanetta — peddling (O 189-02)..... 124
Moreland Greens Apartments Revitalization Project — Shaker Square Area Development Corp.
— Neighborhood Equity Funds — Community Development Dept. (O 147-02)..... **139**

Ward 06

Alta Development, LLC. - Subdivision Plat. (F 168-02) 112

Ward 07

Superior Ave., 7104 — new application — Liquor Permit (F 162-02) 111

Ward 08

Glenville Development Corp. — site improvements — St. Clair Ave. & E. 105th St.
— grant — Economic Development Dept. (O 1745-01)..... 126
Smith, Horace — condolence (R 172-02)..... 112

Ward 09

Likos, Nikolaos — peddling (O 144-02)..... 139
Superior Ave., 11231 — new application — Liquor Permit (F 161-02) 111

Ward 10

Euclid Park Elementary School — new playground — Parks, Recreation and Properties Dept.
(O 143-02) 138
Northeastern Neighborhood Development Corp. — agreement — Forest Hills Place Elderly
Housing Project — Neighborhood Equity Funds (O 1964-01) 126

Ward 11

Butler, Detective James A. — recognition (R 180-02) 112
Lithuania's Independence - 84th Anniversary - recognition (R 179-02)..... 112
Paulich Buildings — Northeast Shores Development Corp. — Neighborhood Equity Funds —
Community Development Dept. (O 149-02)..... 140
Water's Edge Townhomes — Second Mortgage Financing — Northeast Shores Development Corp.
— Neighborhood Equity Funds — Community Development (O 150-02) 140

Ward 12

Slavic Village Development Corp. — property acquisition — lower Broadway —
Neighborhood Equity Funds (O 1984-01) 126

Ward 13

Hill, Edward — congratulations (R 175-02) 112
Jacobsen, Joanne — congratulations (R 178-02) 112
Professor Ave. — banner — Spanish American Committee Day Care (O 188-02)..... 123
Superior Ave., 2553 — transfer ownership — application — Liquor Permit
(F 164-02) 111

Ward 15

Old Brooklyn Community Development Corp. — Neighborhood Safety Post Lamp Lighting
Project — Neighborhood Equity Funds — Community Development Dept. (O 145-02) 139

Ward 16

Pearl Rd., 5178-80 — transfer ownership — application — Liquor Permit (F 163-02)..... 111

Ward 17

Detroit Shoreway Community Development Org. — renovate — Courtland Building —
Neighborhood Equity Funds (O 1967-01) 137
Vega, Sister M. Rosario — congratulations (R 176-02)..... 112
Westside Industrial Retention & Expansion Network — Industrial Retention & Public Safety
Programs — agreement — Community Development Dept. — Neighborhood Equity Funds
(Ward 17, 18, 19, and 20) (O 187-02)..... 123

Ward 18

Babbit, Shirley — condolence (R 173-02)..... 112
 Detroit Ave., 8808 — renewal — withdraw objection — Liquor Permit
 (R 160-02) **136**
 Patrick, Meg — congratulations (R 174-02) 112
 Westside Industrial Retention & Expansion Network — Industrial Retention & Public Safety
 Programs — agreement — Community Development Dept. — Neighborhood Equity Funds
 (Ward 17, 18, 19, and 20) (O 187-02)..... 123

Ward 19

Kovac, Reverend Walter J. — appreciation (R 181-02)..... 112
 Lakewood Heights Blvd., 13429 — renewal — withdraw objection — Liquor Permit
 (R 154-02) **135**
 Westside Industrial Retention & Expansion Network — Industrial Retention & Public Safety
 Programs — agreement — Community Development Dept. — Neighborhood Equity Funds
 (Ward 17, 18, 19, and 20) (O 187-02)..... 123

Ward 20

Caffie, Barbara Jean — congratulations (R 177-02)..... 112
 Westside Industrial Retention & Expansion Network — Industrial Retention & Public Safety
 Programs — agreement — Community Development Dept. — Neighborhood Equity Funds
 (Ward 17, 18, 19, and 20) (O 187-02)..... 123

Ward 21

Finnerty, Kathleen — condolence (R 170-02)..... 112
 Mrs. Madden — condolence (R 171-02)..... 112
 Wiebush, Marjorie K. — condolence (R 169-02) 112

Waste Collection and Disposal Division

Ridge Road Transfer Station — repair ventilation system, reinforce push wall & replace
 load out chutes (O 190-02) 124

Water Division

Computer software vendors — contract — Public Utilities Dept.
 (O 1950-01) 125-127
 Electric motors, switchgear, controls & appurtenances — maintain, repair & replace —
 contract — Public Utilities Dept. (O 2356-01) 125-127
 Fencing — repair, replace & installation — contract — Cleveland Public Power — Public
 Utilities Dept. (O 2358-01) 125-128
 Motor switchgear, controls & appurtenances — maintain, repair, replace & test —
 contract — Public Utilities Dept. (O 2355-01) 125-127
 Network and interface equipment — professional consultants — Public Utilities Dept.
 (O 1949-01) 125-126
 Warwick Communications, Inc. — contract — telephone system maintenance — Public
 Utilities Dept. (O 2347-01) 125-127

Water Pollution Control Division

Drive recorder, monitor, keyboard & mouse — contract (O 1809-01) 125-126
 Network and interface equipment — professional consultants — Public Utilities Dept.
 (O 1949-01) 125-126

Young Men's Christian Association

Miles Avenue Family YMCA — Enrichment Project — Neighborhood Equity Funds (Ward
 2) Parks, Recreation, and Properties Dept. (O 151-02) **140**