

# The City Record

Official Publication of the Council of the City of Cleveland



October the Eighth, Two Thousand and Three

**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

**Valarie J. McCall**  
City Clerk, Clerk of Council

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

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PRESORTED STANDARD  
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CLEVELAND, OHIO  
Permit No. 1372

# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

### MAYOR – Jane L. Campbell

- Debra M. Janik, Chief of Staff
- David M. McGuirk, Executive Assistant
- Timothy Mueller, Executive Assistant
- Craig Tame, Executive Assistant
- Henry Guzman, Director, Office of Equal Opportunity
- Margreat A. Jackson, Legislative Affairs Liaison
- Erik Janas, Inter-Governmental Affairs Officer
- Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Rm. 106  
 Karen E. Martinez, Law Librarian, Room 100

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

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue

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

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

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

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

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

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Ave.

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

DEPT. OF PUBLIC SAFETY – James A. Draper, Director, Room 230

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

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

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

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

- DIVISIONS: Administrative Services – Terrence Ross, Commissioner
- Neighborhood Services – Louise V. Jackson, Commissioner
- Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

- DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
- Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane

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

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl

- Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank

- G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

- Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, 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 Subodh Chandra, President;

- Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director

- Subodh Chandra; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Subodh Chandra; Utilities

- Director Michael G. Konicek; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Christopher S. Ronayne, Director;

- Anthony J. Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell,

- Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

- Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Leohr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

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

- Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

- Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Subodh Chandra; Chairman; Finance

- Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald

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

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

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

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

- Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Weibusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, OCTOBER 8, 2003

No. 4687

## CITY COUNCIL

MONDAY, OCTOBER 6, 2003

### The City Record

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City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 6, 2003

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

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

Also present were Directors Chandra, Baker, Konicek, Ricchiuto, Hudecek, Williams, Routen, Fumich, Johnson, Taylor, C. Ronayne, Acting Director Carroll, Chief Public Affairs Officer; Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Father John Kumse of St Mary's Collinwood, located at 15519 Holmes Avenue, Cleveland, Ohio 44110 in Ward 11. Pledge of Allegiance.

#### MOTION

On the motion of Council Member Lewis the reading of the minutes of

the last meeting was dispensed with and the journal approved. Seconded by Council Member Cimperman.

#### COMMUNICATION

##### File No. 1950-03.

From The Cleveland Institute of Art — 2002-2003 Annual Report, Making Art Work. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 1951-03.

Re: Transfer of Ownership Application — 2818969 — Forest Enterprises, Inc., d.b.a. Vico, 1850-78 East Sixth Street, first floor. (Ward 13). Received.

##### File No. 1952-03.

Re: Transfer of Ownership Application — 0029193 — Georgette Abou Nader, d.b.a. Midtown Express, 5401 Euclid Avenue. (Ward 7). Received.

##### File No. 1953-03.

Re: Transfer of Ownership and Location Application — 7703991 — Samieh Enterprises, Inc., d.b.a. Hough Beverage, 7102 Hough Avenue. (Ward 7). Received.

#### PLAT

##### File No. 1915-03.

Dedication Plat for Part of Storer Avenue and West 67th Place. (Ward 17).

Approved by Committees on Public Service and City Planning.

Without objection, plat approved. Yeas 19. Nays 0.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1954-03**—Anthony J. Garofoli.

**Res. No. 1955-03** — Mervyn L. Jones.

**Res. No. 1956-03**—Wiletha Grayer Dobbins.

**Res. No. 1957-03** — Bernice Bullock.

**Res. No. 1958-03** — Mike Bencivengo.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 1959-03** — Mitchell J. Bienia.

**Res. No. 1960-03** — Theodore F. Swintek.

**Res. No. 1961-03**—Jean Koprowski Sibits.

**Res. No. 1962-03**—Anna Klik.

**Res. No. 1963-03**—Anthony B. Zeszut.

**Res. No. 1964-03** — Aloise Bertha Schmidt.

**Res. No. 1965-03** — Eliza Jennings Senior Care Network.

**RECOGNITION RESOLUTION**

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

**Res. No. 1966-03**—Al Roker.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 1931-03.**

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

**An emergency ordinance authorizing the Director of Economic**

**Development to apply for and accept a special projects grant from the U.S. Department of Housing and Urban Development to be used for economic development planning in matters relating to brownfields.**

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

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

**Section 1.** That the Director of Economic Development is authorized to apply for and accept a special project grant in the amount of \$89,415.00, from the U.S. Department of Housing and Urban Development funded by Congress in the VA-HUD Independent Agencies Appropriations Act for 2003 to be used for economic development planning in matters relating to brownfields; that the Director of Economic Development is authorized to file all

papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 1931-03-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

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

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

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

**By Council Member Britt (by request).**

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

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

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

**Section 1.** That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the Beech Brook (Mentally Disturbed) Children's Facility, 3737 Lander Road, Pepper Pike, Ohio 44124; for the construction, use and maintenance of two (2) Location Identification Banners to be hung on Cleveland Public Power utility poles (by separate permission) in front of their newly located community headquarters at the Weizer Building, 11801 Buckeye Road, Cleveland, Ohio, and which banners will encroach into the public right-of-way of Buckeye Road at East 118th Street at the locations described as follows:

ENCROACHMENT AREA/BUCKEYE ROAD AT EAST 118TH STREET/ BANNERS

<u>LOCATION:</u>	<u>POLE #:</u>	<u>POLE OWNER:</u>	<u>POLE USE:</u>
<u>Buckeye Road (North Side):</u>			
2nd Pole			
E. of E. 118th St.	No Tag	C.P.P.	Banner
5th Pole			
E. of E. 118th St.	No Tag	C.P.P.	Banner

**Section 2.** That said banners 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 fence is constructed.

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

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

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

**Ord. No. 1933-03.****By Council Member Zone.****An emergency ordinance designating Primera Iglesia Adventista del Septimo Dia Hispana de Cleveland (former Franklin Avenue Congregational Church) as a Cleveland Landmark.**

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Primera Iglesia Adventista del Septimo Dia Hispana de Cleveland (former Franklin Avenue Congregational Church), as a landmark; and

Whereas, the owner of Primera Iglesia Adventista del Septimo Dia Hispana de Cleveland (former Franklin Avenue Congregational Church) has been properly notified of the proposed designation and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Primera Iglesia Adventista del Septimo Dia Hispana de Cleveland (former Franklin Avenue Congregational Church) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

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

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

**Section 1.** That Primera Iglesia Adventista del Septimo Dia Hispana de Cleveland (former Franklin Avenue Congregational Church) whose street address in the City of Cleveland is 5730 Franklin Boulevard, N.W., also known as Cuyahoga County Auditor's permanent parcel number 002-15-020 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

**Ord. No. 1934-03.****By Council Member Cintron.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 20th Street to Klein-Barrabas LLC.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 004-06-060 and 004-06-061, as more fully described below, to Klein-Barrabas LLC.

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

**P. P. No. 004-06-060**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and bounded and described as follows: Known as being Sublot No. 10 in S.D. Ingersoll's Allotment of Original Brooklyn Township Lot No. 69, as shown by the recorded plat in Volume 8 of Maps, Page 10 of Cuyahoga County Records, and being 33 feet front on the Westerly side of West 20th Street (formerly Moltke Street) 75 feet 5 inches deep on the Northerly line, 70 feet 2 inches deep on the Southerly line and 33 feet 2 inches wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**P. P. No. 004-06-061**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in S.B. Ingersoll's Allotment of part of Original Brooklyn Township Lot No. 69, as shown by the recorded plat in Volume 8 of Maps, Page 10 of Cuyahoga County Records and being 33 feet front on the Westerly side of West 20th Street (formerly Bismark Street) and extending back 76.58 feet on the Northerly line, 75.42 feet on the Southerly line and having a rear line of 33.17 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 1935-03.****By Council Member Reed.****An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Union Avenue to Robert Kirkman.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 135-07-014, 135-07-015 and 135-07-016, as more fully described below, to Robert Kirkman.

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

**P. P. No. 135-07-014**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 235 in the Union-Woodhill Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 450, as shown by the recorded plat in Volume 41 of Maps, Page 29 of Cuyahoga County Records, and being 45 feet front on the Southerly side of Union Avenue and extending back 111.12 feet on the Easterly line which is also the Westerly line of East 104th Street, 110.43 feet deep on the Westerly line and 45 feet in the

rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

P. P. No. 135-07-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 236 in the Union-Woodhill Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 450 Newburgh Township, as shown in Volume 41 of Maps, Page 29 of Cuyahoga County Records. Said Sublot has a frontage of 45 feet on the Southerly side of Union Avenue, S.E., 110.48 feet on the Easterly line, 109.85 feet on its Westerly line, and 45 feet wide in the rear, as appears by said plat.

Also subject to all zoning ordinances, if any.

P. P. No. 135-07-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 237 in the Union-Woodhill Realty Company's Subdivision of part of Original One Hundred Acre Lot No.

450, as shown by the recorded plat in Volume 41 of Maps, Page 29 of Cuyahoga County Records, and being 45 feet front on the Southerly side of Union Avenue, S.E., 109.21 feet deep on the Westerly line, 109.85 feet deep on the Easterly line and 45 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

and covenants as are deemed necessary or appropriate.

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

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

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

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**Ord. No. 1938-03.**

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

**An emergency ordinance to amend Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to parking fees.**

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

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

**Section 1.** That Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is hereby amended to read as follows:

**Section 133.33 Parking Fees**

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges, which include tax, at the following parking facilities in accordance with the following schedule:

(1) *Willard Park Garage:*

A. First hour or portion thereof	\$2.25
B. Each additional half hour or Portion	\$1.25
C. Daily maximum rate from 6 a.m. to 11:00 p.m.	up to \$10.00
D. Additional overnight charge from 11:00 p.m. to 6 a.m.	up to \$10.00
E. General monthly rate	up to \$125.00
F.1. Special monthly rate for City employees	\$55.00
F.2. Special monthly rate for federal, state and county employees	\$110.00
G. Special events (flat rate - pay enter)	up to \$20.00
H. Charge for lost or stolen key card	\$50.00
I. Late payment charge	\$5.00
J. Early Bird Rate (time to be determined by the Director of Parks, Recreation and Properties)	up to \$8.00

(2) *Cleveland Convention Center Garage:*

A. Flat Rate, Pay Enter	up to \$10.00
B. General monthly rate (the number of key cards may be limited at the discretion of the Commissioners of the Convention Center and Parking Facilities)	up to \$170.00

C. Special events (flat rate — pay enter)	up to \$20.00
D. Charge for lost or stolen key card	\$50.00
E. Late payment charge	\$5.00
(3) <i>Canal Basin Lot:</i>	
A. Daily rate from 6 a.m. to 6:00 p.m. (flat rate — pay enter)	up to \$2.00
B. General monthly rate (weekdays between 6 a.m. and 6 p.m.)	up to \$40.00
C. Special events, weekdays between 6:00 p.m. and 6 a.m., weekends and holidays (flat rate — pay enter)	up to \$10.00
D. Late payment charge	\$5.00
E. Charge for lost or stolen key card	\$50.00
(4) <i>North Coast Municipal Parking Lot:</i>	
A. Daily rate (flat rate — pay enter)	up to \$3.50
B. City of Cleveland employees	no charge
C. General monthly rate — non-City of Cleveland employees	up to \$45.00
D. Special events (flat rate — pay enter)	up to \$20.00
E. Charge for lost or stolen key card	\$50.00
F. Late Payment Fee	\$5.00

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Parks, Recreation and Properties up to the maximum specified.

**(c) Notwithstanding any provision to the contrary, the Commissioner of Parking Facilities shall not charge a fee to park at any of the parking facilities referenced in division (a) during the hours of 6:00 p.m. and 6:00 a.m. on weekdays and shall not charge a fee to park at any of the parking facilities referenced in division (a) on weekends and holidays.**

**(d)** Monthly rate customer parking privileges at Willard Park Garage, Cleveland Convention Center Garage, Canal Basin Lot, and North Coast Municipal Parking Lot do not include entry to these garages and lots for special events held on weekends, holidays, or after 6 p.m. on weekdays.

**(e)** Fees collected from the Willard Park Garage, Canal Basin Lot, and North Coast Municipal Lot shall be credited to the Division of Parking Facilities Enterprise Fund for general operations. Fees collected from the Convention Center Garage shall be credited to the Convention Center Enterprise Fund for general operations.

**(f)** The Commissioner of Parking Facilities is authorized to enter into an agreement with the Commissioner of the Convention Center for the operations, management, and collection of parking fees at the Convention Center garage.

**(g)** The Commissioner of Parking Facilities shall fix and collect the fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until the Council and the Board of Control fix fee schedules for the parking facilities.

**(h)** Notwithstanding any provision in this section to the contrary, the Commissioner of Parking Facilities shall:

- (1) Designate ten (10) parking spaces in the Willard Garage, located as close as practical to the entrance to City Hall to be assigned by the Director of Parks, Recreation, and Properties to City employees with the greatest number of years seniority as a city Employee;
- (2) Designate a sufficient number of parking spaces located either in the North Mall Lot or in Willard Garage for City employees who are employed to clean City Hall and who begin work at 3:00 p.m. or later and work later than the closing of the Willard Parking Garage.

**(i)** In addition to the schedule contained in division (a) of this section, the Commissioner of Parking Facilities may enter into agreements with the sponsors of events that wish to reserve specific parking spaces in the Willard Parking Garage, the Cleveland Convention Center Garage or the North Coast Municipal Lot that provide for the payment by the sponsor of up to thirty dollars (\$30.00) per parking space.

**Section 2.** That existing Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is hereby repealed.

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

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

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

**Ord. No. 1936-03.**

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

**An emergency ordinance authorizing the Director of the Office of Equal Opportunity to enter into one or more contracts with Ralph Tyler Companies to provide software and database development services necessary to implement the Fannie M. Lewis Resident Employment Law.**

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

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

**Section 1.** That the Director of the Office of Equal Opportunity is authorized to enter into one or more contracts with Ralph Tyler Companies to provide software and database development services necessary to implement the Fannie M. Lewis Resident Employment Law, including document conversion, for the Office of Equal Opportunity, on the basis of its proposal dated September 5, 2003, for the Office of Equal Opportunity. The contracts or contracts shall be paid from Fund No. 11 SF 006, Request No. 100818.

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

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

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

**Ord. No. 1937-03.**

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

**An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with MAPSYS System & Solutions for the purchase of hardware and software necessary to upgrade the records management computer system and the computer aided dispatch system, for the for the Division of Police, Department of Public Safety.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than MAPSYS Systems & Solutions. Therefore the Director of Public Safety is authorized to make one or more written contracts

with MAPSYS Systems & Solutions on the basis of its proposal dated September 23, 2003, for the purchase of hardware and software necessary to upgrade the following two AS/400 computer systems: the Records Management System and the Computer Aided Dispatch Systems to increase mobile deployment, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Police, Department of Public Safety.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 10 SF 027, RL 132278.

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

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

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

**Ord. No. 1939-03.**

**By Council Member Britt.**

**An emergency ordinance consenting an approving the issuance of a permit for the Juno Jog 5K Run/Walk on October 18, 2003, sponsored by Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Juno Jog 5K Run/Walk, sponsored by Hermes Sports & Events, on October 18, 2003, beginning at East 89th & Euclid, East 89th to Chester, Chester to East 90th, East 90th to Euclid, Euclid to East 101st, East 101st to Ansel, Ansel to MLK, MLK to Mt. Sinai Drive, Mt. Sinai Drive to East 101st, East 101st to Euclid, Euclid to East 89th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

**Ord. No. 1940-03.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Bench Bar Halloween Run on October 25, 2003, sponsored by Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Bench Bar Halloween Run sponsored by Hermes Sports & Events on October 25, 2003, the Run will begin at Ontario & Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside across East 9th to Aviation High School, turn around and return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1941-03.**

**By Council Member Dolan.**

**An emergency ordinance amending Title and Section 1, of Ordinance No. 1813-03, passed September 15, 2003 as it pertains to the West Park Cleveland Police and Firefighters Memorial through the use of Ward 21 Neighborhood Equity Funds.**

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



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

**Section 1.** That the Title and Section 1, of Ordinance 1813-03, passed September 15, 2003 is hereby amended to read as follows:

An emergency ordinance authorizing the **Director of Parks, Recreation and Properties to enter into an agreement with Cleveland Public Art, Incorporated for the West Park Cleveland Police and Firefighters Memorial Project through the use of Ward 21 Neighborhood Equity Funds.**

**Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Cleveland Public Art, Incorporated for the West Park Cleveland Police and Firefighters Memorial Project for the public purpose of recognizing the contributions of those individuals who have served in the ranks of the City of Cleveland Police and Fire safety forces through the use of Ward 21 Neighborhood Equity Funds.**

**Section 2.** That the Title and Section 1, of Ordinance No. 1813-03, passed September 15, 2003 is hereby repealed.

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

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

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

**Ord. No. 1942-03.**

**By Council Member Johnson.**

**An emergency ordinance amending Section 2, of Ordinance 394-03, passed March 10, 2003 as it pertains to the Home Repair 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 Section 2, of Ordinance No. 394-03, passed March 10, 2003 is hereby amended to read as follows:

**Section 2.** That the cost of said contract shall be in an amount not to exceed **\$210,000** and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2, of Ordinance No. 394-03, passed March 10, 2003 is hereby repealed.

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

from and after the earliest period allowed by law.

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

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

**Ord. No. 1947-03.**

**By Council Member Cintron.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Dino Konstantions).**

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 peddling upon 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 14; 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 persons named below to engage in peddling in the public rights of way of Ward 14: Dino Konstantions at 4607 Clark Avenue.

**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 may be revoked at any time by this Council.

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

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

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

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

**Res. No. 1943-03.**

**By Council Member Conwell.**

**An emergency resolution designating October 6th through October 10th, 2003 as "Disability Awareness Week".**

Whereas, October is National Disability Awareness Month; and

Whereas, Murtis H. Taylor Center of Cleveland is working with chairs Mayor Jane Campbell, Council member Kevin Conwell, and Commissioner Peter Lawson Jones to organize the City of Cleveland's second annual "Disability Awareness Week" to be held from October 6th through October 10th of this year; and

Whereas, the purpose of this event is to sensitize and educate the community about people with disabilities, to link caregivers and disabled persons with community resources, to promote awareness of children and adults with special needs; to foster respect and empathy throughout the community for those living with special needs and to acknowledge community leaders who have overcome challenging life circumstances to make our community a better place; and

Whereas, the events will include three community education and awareness forums, a youth education art contest and a youth education essay contest; and

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

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

**Section 1.** That this Council hereby designates October 6th through 10th, 2003 as "Disability Awareness Week" in the City of Cleveland.

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

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

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

**Res. No. 1944-03.**

**By Council Member Reed.**

**An emergency resolution expressing this Council's commitment to working with the Administration to balance the budget; encouraging the Administration to consider what is morally correct and in the best interests of the citizens of Cleveland when considering settlement agreements; and requesting that the Administration provide Council with notice of any and all settlement agreements before execution of such agreements.**

Whereas, the City of Cleveland is encountering lower than expected tax revenues; and

Whereas, the Finance Director is projecting a \$3.2 million dollar budget deficit this year; and

Whereas, the Finance Department is projecting a \$50 million dollar budget deficit next year; and

Whereas, while budget considerations are important in considering and negotiating settlement agree-

ments, the Administration should also consider what is morally correct and in the best interests of the citizens; and

Whereas, such consideration requires the Administration to review and evaluate the effect a proposed settlement agreement may have on the neighborhoods of the City and the citizens who live in the neighborhoods; and

Whereas, such consideration requires the Administration to carefully review the factual circumstances of each case to determine if settlement is an appropriate option and furthers the City's obligation to provide efficient services to the citizens of the City; and

Whereas, the Administration recently decided to reinstate two employees with back pay; and

Whereas, the back pay to be provided to each employee is more than \$360,000 for a total of \$720,000; and

Whereas, this reinstatement occurred after the Administration's decision to withdraw an appeal of an arbitrator's decision ordering reinstatement of the employees; and

Whereas, this Council is concerned about this decision, and any future settlement decisions, as these decisions affect the City's budget; and

Whereas, this Council is concerned about any similar settlements being negotiated or under consideration by the Administration; and

Whereas, this Council and the Administration must work together to balance the budget and address budget deficit issues; and

Whereas, in order to do so, it would be appropriate for this Council to receive notice of proposed settlement agreements; and

Whereas, this Council is concerned that further settlement of cases, including labor cases involving termination for residency violations, will only enhance the City's current financial difficulties and increase the likelihood of layoffs; and

Whereas, this Council, for the reasons stated in this resolution, finds it necessary to request that the Administration carefully consider the appropriateness of settling current litigation and requests that the Administration provide Council with notice of proposed settlement agreements; and

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

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

**Section 1.** That this Council expresses its commitment to working with the Administration to balance the budget in a manner that is beneficial to the citizens and taxpayers of the City of Cleveland.

**Section 2.** That this Council hereby encourages the Administration, when considering settlement agreements, to consider what is morally correct and in the best interests of the citizens and taxpayers of the City.

**Section 3.** That this Council hereby requests that the Administration provide Council with notice of any and all settlement agreements before execution of such agreements.

**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.

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

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

**Res. No. 1945-03.**

**By Council Member Johnson.**

**An emergency resolution withdrawing objection to the renewal of C2 and C2X Liquor Permit at 12916 Forest Avenue, 1st Floor and Basement and repealing Resolution No. 1327-03, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 12916 Forest Avenue by Resolution No. 1327-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Applicant, Joycelyn Henry, Owner of T & J Beverage Company, DBA T & J Beverage Store, 12916 Forest Avenue, Cleveland, Ohio 44120, Permanent Number 87731650005, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a C2 and C2X Liquor Permit to 12916 Forest Avenue be and the same is hereby withdrawn and Resolution No. 1327-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 1946-03.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 2892 East 116th Street and repealing Resolution No. 1130-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 2892 East 116th Street by Resolution No. 1130-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Applicant, Hussein Harmouche, President, S & H Grocery, Inc., DBA Foodtown Supermarket, 2892 East 116th Street, Cleveland, Ohio 44120, Permanent Number 7645440, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 2892 East 116th Street be and the same is hereby withdrawn and Resolution No. 1130-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

**Res. No. 1948-03.**

**By Council Member Zone.**

**An emergency resolution encouraging the Board of Education of the Cleveland Municipal School District to change its recently approved meeting schedule to a schedule that is more convenient for the community and parents of Cleveland Municipal School District students and encouraging the Board of Education to provide advance copies of the Board agenda prior to the Board meeting and to post the agenda on its web-site.**

Whereas, the Board of Education of the Cleveland Municipal School District is responsible for establishing policies, approving the budget, establishing goals and accountability standards, and promoting parent, family, and community involvement in the schools; and

Whereas, the Board of Education's web-site encourages parents and the community to attend Board meetings; and

Whereas, the Board of Education provides for public participation in order to hear community concerns; and

Whereas, the Board of Education recently changed its meetings schedule; and

Whereas, Board of Education meetings are now held once a month instead of twice a month; and

Whereas, the date and week of a Board of Education meeting varies from month to month; and

Whereas, the Board of Education meetings begin at 4:00 p.m. instead of 6:30 p.m.; and

Whereas, these scheduling changes present obstacles that make it difficult for the community and parents of Cleveland Municipal School District students to attend meetings; and

Whereas, the previous Board of Education meeting schedule was more convenient for the community and parents and thereby provided an opportunity for the public input; and

Whereas, this Council is concerned that the meeting schedule recently approved by the Board of Education fails to provide the public with a reasonable opportunity to attend and participate in the Board of Education's meetings; and

Whereas, this Council encourages the Board of Education to change its meeting schedule to a schedule that is similar to the previous schedule; and

Whereas, this Council also encourages the Board of Education to provide copies of the Board meeting agenda to interested parties prior to the start of the Board meeting and to post the agenda on its web-site as these efforts will notify the community and parents of issues to be discussed and reviewed by the Board of Education; and

Whereas, advance notice of agenda items will increase public awareness and the opportunity for public participation; and

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

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

**Section 1.** That this Council encourages the Board of Education of the Cleveland Municipal School District to change its recently approved meeting schedule to a schedule that is more convenient for the community and parents of Cleveland Municipal School District students.

**Section 2.** That this Council also encourages the Board of Education to provide copies of the Board meeting agenda to interested parties prior to the start of the Board meeting and to post the agenda on its web-site.

**Section 3.** That the Clerk of Council is hereby directed to transmit a copy of this resolution to Barbara Byrd Bennett, CEO of the Cleveland Municipal School District, and to each Member of the Board of Education.

**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.

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

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

**Res. No. 1949-03.**  
**By Council Members Lewis and Jones.**

**An emergency resolution encouraging the Cuyahoga Support Enforcement Agency to work with agencies and entities withholding child support to develop a procedure whereby child support payments are forwarded to Cuyahoga Support Enforcement Agency in a timely manner and encouraging the Cuyahoga Support Enforcement Agency to cease the suspension of driver's licenses until such time as a procedure is established to ensure that driver's licenses are not erroneously suspended.**

Whereas, the Ohio Department of Job and Family Services and the Office of Child Support is responsible for collecting and disbursing child support payments; and

Whereas, the Cuyahoga Support Enforcement Agency is responsible for enforcing child support orders and collecting and disbursing child support within Cuyahoga County; and

Whereas, the Cuyahoga Support Enforcement Agency receives child support dollars from agencies and entities that withhold child support dollars from the pay of individuals responsible for paying child support; and

Whereas, if these child support dollars are not promptly forwarded to child support enforcement agencies, an individual responsible for paying child support may be considered in default even though the child support dollars were removed from the individual's pay; and

Whereas, child support enforcement agencies in Ohio have the authority to suspend a driver's license for failure to pay support; and

Whereas, prior to the suspension of a driver's license, a child support enforcement agency is required to send an "Advanced Notice of Default" to the individual responsible for paying child support; and

Whereas, City of Cleveland residents have contacted this Council regarding the suspension of their driver's licenses for failure to pay child support; and

Whereas, these residents have indicated that they were not given the required notice; and

Whereas, these residents have indicated that they are currently making child support payments; and

Whereas, for many of these residents, a valid driver's license is nec-

essary to ensure job continuation; and

Whereas, these residents were informed that their driver's licenses were suspended as a result of a computer error; and

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

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

**Section 1.** That this Council encourages the Cuyahoga Support Enforcement Agency to work with agencies and entities withholding child support to develop a procedure whereby child support payments are forwarded to Cuyahoga Support Enforcement Agency in a timely manner.

**Section 2.** That this Council also encourages the Cuyahoga Support Enforcement Agency to cease the suspension of driver's licenses until such time as a procedure is established to ensure timely receipt of child support payments and the necessary safeguards and precautions are in place to ensure that driver's licenses are not erroneously suspended.

**Section 3.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Ohio Governor Bob Taft, Tom Hayes, Director, Ohio Department of Job and Family Services, Joseph J. Pilat, Deputy Director, Office of Child Support, and Cassandra McArthur, Director, Cuyahoga Support Enforcement Agency.

**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.

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

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

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

##### **Ord. No. 1173-03.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on the south side of Cooley Avenue to Kimberly M. Torres.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

**Ord. No. 1192-03.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Fern Court, East of West 22nd Place to Cleveland Housing Network.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

**Ord. No. 1194-03.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located between East 90th and East 91st Street, north of Wade Park Avenue to Glenville Church of Christ (Holiness).

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

**Ord. No. 1227-03.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 7515 Batavia to Gerald Artl.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

**Ord. No. 1355-03.**

By Council Members Zone and Westbrook.

An emergency ordinance to name the Ball Diamond #1 at Michael J. Zone Recreation Center "Coach Smothers Field".

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Law; Passage

recommended by Committees on Public Parks, Property and Recreation, City Planning.

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

**Ord. No. 1488-03.**

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

An emergency ordinance authorizing the Director of Public Service to lease to F.C. Southridge Corp. certain property located at 2020 West 3rd Street for amphitheater parking, for a period of ten years with one ten-year option to renew.

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

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

**Ord. No. 1500-03.**

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

An emergency ordinance to amend Sections 133.09 and 133.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2044-92, passed December 7, 1992, relating to the duties of the Commissioners of Recreation and Park Maintenance and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Legislation, Finance.

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

**THIRD READING EMERGENCY ORDINANCE PASSED**

**Ord. No. 817-03.**

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

An emergency ordinance authorizing the Director of the City Planning Commission to enter into a Memorandum of Understanding with the Cleveland Cuyahoga County Port Authority and various leases, agreements and amendments necessary to effectuate the purpose of the Memorandum of Understanding.

Read third time. Passed. Yeas 18. Nays 1.

Those voting yea: Council Members: Jackson, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Johnson, Jones, Lewis, O'Malley, Reed, Rybka, Scott, Sweeney, Westbrook, Zone.

Those voting nay: Council Member: Polensek.

Absent: Council Members: Gordon, White.

**LAID ON THE TABLE**

**Ord. No. 1228-03.**

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

An emergency ordinance authorizing the Director of Law to file a Complaint seeking a Declaratory Judgment voiding Deed Restrictions for Property located on the north-west corner of Cedar Road and Murray Hill Road.

Without objection, Ordinance No. 1228-03 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Ordinance No. 1228-03 tabled.

**MOTION**

By Council Member Lewis, seconded by Council Member Cimperman and unanimously carried that the absence of Council Members Merle Gordon and Robert J. White, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:09 p.m. to meet on Monday, October 13, 2003, at 7:00 p.m. in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

October 1, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 1, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Directors Abousserhal, Nichols, Directors Mok, Richiuto, Carroll, Acting Director Petrus, Directors Ronayne, Hudecek,

Routen, Fumich, Taylor and Williams.

Absent: Director Sims.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

**Resolution No. 583-03.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 20, 2003, for the estimated quantity of storage replacement batteries including installation, all items, for the Office of Radio Communications, Department of Public Utilities, pursuant to the authority Ordinance No. 1194-02, passed by the Council of the City of Cleveland on July 17, 2002, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Chandra, Acting Directors Abouserhal, Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Director Sims.

**Resolution No. 584-03.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 234-03, passed by the Cleveland City Council on May 12, 2003, URS Corporation is selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and complete canvass by said Director as the environmental engineering firm to be employed by contract for the purpose of providing professional services necessary to assist the City of Cleveland, Department of Port Control (DPC), to comply with selected portions of the Findings & Orders (Orders) issued by the Director of the Ohio Environmental Protection Agency (OEPA) relative to the applicable sections of the storm water collection system at Cleveland Hopkins International Airport (CHIA).

Be it further resolved that the Director of Port Control hereby is authorized to enter into a written contract with URS Corporation for the above-mentioned services based on its proposal dated July 25, 2003. The fee for such professional services shall be in an amount not to exceed One Million Four Hundred Ninety Thousand Eight Hundred Five Dollars (\$1,490,805.00). The contract authorized 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.

Be it further resolved, that the employment of the following subcontractors to URS Corporation are approved:

<u>Subcontractors</u>	<u>Amount</u>
<u>M/F/DBE %</u>	
ACM Construction Management	\$200,000.00
13.4%	

Central Engineering  
14% M/DBE \$208,910.00

EdArch Associates  
5% M/DBE \$86,914.00

Water Resources & Coastal Engineering, Inc.  
5% MBE \$96,629.00

United Survey, Inc.  
1.68% \$25,000.00

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 585-03.**

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Koch Corporation, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "B-03-2", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on May 21, 2003, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-00, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$277,875.00, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Koch Corporation for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, HVAC/Electrical Construction, Contract "B-03-2", hereby is approved:

<u>Subcontractor</u>	<u>Dollar Amount</u>
<u>MBE/FBE%</u>	
Cahlik Electric	\$68,703.00
24.73% FBE	

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 586-03.**

By Director Ricchiuto.

Whereas, Resolution No. 542-03, adopted by this Board on September 10, 2003, intended to amend Resolution No. 435-03, incorrectly stated the resolution being amended as Resolution No. 433-03; and

Whereas, Resolution No. 435-03, adopted by the Board on July 23,

2003, inadvertently omitted reference to the technical proposal on which the fee proposal was based; and

Whereas, Resolution No. 435-03, adopted by this Board on July 23, 2003, is the correct resolution to be amended by Resolution No. 542-03, adopted by this Board on September 10, 2003; and

Whereas, the complete proposal description is "proposal of February 10, 2003, as amended by its proposal dated February 11, 2003, as further amended by its proposals April 2, 2003 and May 21, 2003"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 542-03, adopted by this Board on September 10, 2003, is amended by changing the first paragraph phrase "Resolution No. 433-03" to "Resolution No. 435-03", the third paragraph phrase "that Resolution No. 433-03" to "that Resolution No. 435-03" and the fourth paragraph phrase "said Resolution No. 433-03" to "said Resolution No. 435-03".

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 435-03 is amended by inserting the words "February 10, 2003, as amended by its proposal dated February 11, 2003, as further amended by its proposals dated April 2, 2003 and" in the second line of the second paragraph after "proposal dated."

Be it further resolved that all other provisions of said Resolution No. 542-03 and of said Resolution No. 435-03 not expressly amended herein shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 587-03.**

By Acting Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Robinson Textiles, Inc. for an estimated quantity of inmate clothing, bedding and shoes Item # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 22 for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on May 28, 2003, pursuant to the authority of Ordinance No. 496-03, passed April 14, 2003, which on the basis of the estimated quantity would amount to Nine Thousand Seven Hundred Fifty-Three and Forty-Four/100 Dollars (\$9,753.44), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 134765

Inmate Clothing which shall be certified against such contract in the sum of Five Hundred Thirty-Seven Dollars and Thirty-Six/100 Cents (\$537.36).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 588-03.**

By Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Yard Master Inc. for an estimated quantity of snowplowing and salting at all City of Cleveland Health Centers, for the Division of Health, Department of Public Health, for the period of one (1) year seasonal time period (November - April), received on the 4th day of September, 2003, pursuant to the authority of Ordinance No. 546-03, passed April 14, 2003, which on the basis of the estimated quantity would amount to Seventeen Thousand, Two Hundred Twenty-Three and 00/100 (\$17,223.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health, is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 133129

Snow and ice removal for the City of Cleveland Health Centers which shall be certified against such contract in the sum of Seventeen Thousand, Two Hundred Twenty Three and 00/100 (\$17,223.00) Dollars.

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 589-03.**

By Acting Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bob Barker, Inc. for an estimated quantity of inmate clothing, bedding and shoes Item # 14, 19, 20, 21, 25, 26, 29, 31 for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on May 28, 2003, pursuant to the authority of Ordinance No. 496-03,

passed April 14, 2003, which on the basis of the estimated quantity would amount to Eleven Thousand Three Hundred Four and Ten/100 Dollars (\$11,304.10), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 134766

Inmate clothing/bedding/shoes which shall be certified against such contract in the sum of One Thousand Six Hundred Twenty and Zero/100 Dollars (\$1,620.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 590-03.**

By Acting Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of O.D. Taragin & Brothers for an estimated quantity of inmate clothing, bedding and shoes Item # 12, 23, 24, 28 for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on May 28, 2003, pursuant to the authority of Ordinance No. 496-03, passed April 14, 2003, which on the basis of the estimated quantity would amount to Six Thousand Four Hundred Sixty-One and Twenty-Eight/100 Dollars (\$6,461.28), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 134795

Inmate clothing/bedding/shoes which shall be certified against such contract in the sum of Five Hundred Seventy-One and Twenty/100 Dollars (\$571.20).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 591-03.**

By Acting Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Charm-Tex, Inc. for an estimated quantity of inmate clothing, bedding and shoes Item # 13, 16, 17, 18 for the Division of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of contract, received on June 11, 2003, pursuant to the authority of Ordinance No. 496-03, passed April 14, 2003, which on the basis of the estimated quantity would amount to Four Thousand Eight Hundred Sixty-Seven and Ninety-Two/100 Dollars (\$4,867.92), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 134767

Inmate clothing/bedding/shoes which shall be certified against such contract in the sum of Nine Hundred Twenty-Four and Zero/100 Dollars (\$924.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 592-03.**

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. 007-24-002 located on Barber Avenue in Ward 14; and

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

Whereas, Nael D. Shehadeh, 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 Nael D. Shehadeh for the sale and development of Permanent Parcel No. 007-24-002 located on Barber Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 593-03.**

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. 134-01-060 (Easterly part of) located at Claasen Avenue in Ward 12; 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, Mary A. Atkins, 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 12 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 Mary A. Atkins for the sale and development of Permanent Parcel No. 134-01-060 (Easterly part of) located at

Claasen Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 594-03.**

By Director Routen.

Whereas, Board of Control Resolution Number 322-03, adopted May 28, 2003, selected Acxiom Information Security Services Inc. as the firm to be selected by contract for the professional services of pre-employment background and criminal records checks for the Department of Personnel and Human Resources, and

Whereas, the City of Cleveland has certain claims for overpayment which Acxiom Information Security Services has refused to settle, and

Whereas, the City of Cleveland has determined not to enter into contract with Acxiom Information Security Services; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 84-03, passed by the Council of the City of Cleveland on March 3, 2003, ADP Screening and Selection Services Inc., is hereby selected upon the nomination of the Director of Personnel and Human Resources from a list of professional background and criminal check firms determined, after a full and complete canvass by said Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of the Department of the City of Cleveland to provide professional services necessary to perform pre-employment background and criminal records checks including, but not limited to, automated motor vehicle license and points checks, automated workers compensation checks, automated social security traces and automated credit checks for the Department of Personnel and Human Resources.

Be it further resolved that the Director of Personnel and Human Resources hereby is requested to enter into a written contract with ADP Screening and Selection Services Inc. based upon its proposal dated December 20, 2002, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as described in such proposal and shall contain additional terms and conditions the Director of Law deems necessary to protect and benefit the public interest. The fee for the services to be rendered under the contract authorized shall not exceed \$100,000.00.

Yeas: None.

Nays: Mayor Campbell, Director Chandra, Acting Director Nichols,

Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Absent: Directors Abouserhal and Sims.

**Resolution No. 595-03.**

By Director Routen.

Whereas, Board of Control Resolution Number 322-03, adopted May 28, 2003, selected Acxiom Information Security Services Inc. as the firm to be selected by contract for the professional services of pre-employment background and criminal records checks for the Department of Personnel and Human Resources, and

Whereas, the City of Cleveland has certain claims for overpayment which Acxiom Information Security Services has refused to settle, and

Whereas, the City of Cleveland has determined not to enter into contract with Acxiom Information Security Services; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 84-03, passed by the Council of the City of Cleveland on March 3, 2003, ADP Screening and Selection Services Inc., is hereby selected upon the nomination of the Director of Personnel and Human Resources from a list of professional background and criminal check firms determined, after a full and complete canvass by said Director, as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of the Department of the City of Cleveland to provide professional services necessary to perform pre-employment background and criminal records checks including, but not limited to, automated motor vehicle license and points checks, automated workers compensation checks, automated social security traces and automated credit checks for the Department of Personnel and Human Resources.

Be it further resolved that the Director of Personnel and Human Resources hereby is requested to enter into a written contract with ADP Screening and Selection Services Inc. based upon its proposal dated December 20, 2002, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as described in such proposal and shall contain additional terms and conditions the Director of Law deems necessary to protect and benefit the public interest. The fee for the services to be rendered under the contract authorized shall not exceed \$40,000.00.

<u>Subcontractor</u>	<u>Amount</u>
<u>MBE/FBE%</u>	
Right Team	
33% FBE	\$14,000.00

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 596-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of General Chemical Corporation for an estimated quantity of liquid alum and aluminum blend coagulants (bid item 1) for use in the treatment of water for a municipal supply for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 22nd day of August, 2003, pursuant to the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Five Hundred Eighty-Seven Thousand Dollars (\$587,000.00), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 131979**

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

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

**Resolution No. 597-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of American Merchandising Services for an estimated quantity of liquid alum and aluminum blend coagulants (bid item 2) for use in the treatment of water for a municipal supply for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 22nd day of August, 2003, pursuant to the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Nine Hundred Thirty Three Thousand Nine Hundred Dollars \$1,933,900.00 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 131980**

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

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Nichols, Directors Mok, Ricchiuto, Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Routen, Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Abouserhal and Sims.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

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

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, OCTOBER 20, 2003****9:30 A.M.**

**Calendar No. 03-259:** 764 Brayton Avenue (Ward 13)

Elizabeth Webb, owner, appeals to use an existing 30' x 56.5' vacant lot located in a B1 Two-Family District as a parking lot for one tow truck and two motor vehicles on the north side of Brayton Avenue at 764 Brayton Avenue; the proposed use being contrary to the Off-Street Parking and Loading Requirements of Section 349.13(a) where a commercial vehicle in excess of one and one-half tons may not be stored on a residential premises and subject to the provisions of Sections 349.13(c)(7) that require the proposed parking lot to be adequately screened from the street and the adjoining properties in a Residence

District with either a hedge, a sightly fence or a wall not less than 4'-6" high and not more than 5' high and located behind the setback building line, and that no glare from lighting may annoy occupants of adjoining properties in a Residence District, and that the surface of the parking lot is smoothly graded, hard surfaced and adequately drained; and subject to such other and further conditions as the Board of Zoning Appeals may deem necessary to reduce the adverse effect of the proximity of a parking lot upon the character, development and maintenance of the Residence District in which the parking lot is to be located as stated in Section 349.13(c)(8) of the Codified Ordinances.

**Calendar No. 03-260:** 10231 Adelaide Avenue (Ward 18)

Nicholas Karnavas, owner, appeals to enclose an existing 7' x 24' frame front porch of a one family dwelling house situated on an approximate 40' x 123' irregular shaped parcel located in a Two-Family District on the south side of Adelaide Avenue at 10231 Adelaide Avenue; said porch enclosure being contrary to the Yards and Courts Requirements, where a 7' projection is proposed and enclosed front porches shall not project more than 4' as stated in Sections 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 03-261:** 3505 Archwood Avenue (Ward 15)

Rick Jaworski, owner, appeals to erect a 9' high x approximately 12' wide wooden arbor over the existing driveway at the east side of a wood frame, two-family dwelling house, situated on a 73' x 160' rectangular parcel located in a Two-Family District on the south side of Archwood Avenue at 3505 Archwood Avenue; the proposed arbor being 9' high where not more than 6'-6" above the grade level of the land is permitted as stated in Sections 337.23(a)(6) of the Codified Ordinances.

**Calendar No. 03-262:** 14005 Triskett Road (Ward 21)

Brandi Reesey, owner, appeals to install approximately 80' linear feet of 6' high wooden privacy fence along the side street property line of a two-family frame dwelling, situated on an approximate 66' x 187' irregular shaped parcel in a Two-Family District on the southwest corner of Triskett Road and West 140th Street at 14005 Triskett Road; said fence installation being contrary to the Fence Regulations, where fences in the actual front yards and in actual side street yards shall not exceed 4' in height and be at least 50% open as stated in Section 358.04(a) of the Codified Ordinances.

**Calendar No. 03-263:** 4689 State Road (Ward 16)

C.F.A.M. LLC, c/o Grant Croxton, appeals to modify the variance and alter the plan that was conditionally granted on April 29, 2002 in Calendar No. 02-33 to expand an existing parking lot at the rear of an existing tavern, situated on an approximate 45' x 149' irregular shaped parcel located in a Local Retail Business District on the northeast corner of Oak Park Road and State Road at 4689 State Road; the proposed alterations being an



expansion or change of a nonconforming use and requiring the Board of Zoning Appeals approval for the proposed elimination of fence near the existing building; widening the entrance driveway and moving the handicap parking space across the parking lot, further from the building; and subject to the Off-Street Parking and Loading Requirements of Section 349.07 and the Enforcement and Penalty Regulations of Section 327.02(e) where the establishment of gravel, unpaved parking in the public right of way requires an encroachment permit and hard-surfacing, and a right of way, gravel covered tree lawn is not permitted unless there is a variance and an encroachment permit, or the gravel must be removed and the grass area restored as stated in the Codified Ordinances.

**Calendar No. 03-233:** Appeal of Fuad D. Jaser Hack License Suspension  
Fuad D. Jaser appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 443.36 of the Codified Ordinances from the suspension of a City of Cleveland Hack License issued March 19, 2003 by Dedrick Stephens, Commissioner of Assessments and Licenses.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, OCTOBER 6, 2003**

At the meeting of the Board of Zoning Appeals on Monday, October 6, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 03-247:** 5410 Stickney Avenue  
Jon A. Periandri II, appealed to erect a 13' x 24' one-story, frame garage at the rear of a single family dwelling and to install 120 linear feet of 6' high privacy fence to the east side of an irregular parcel in a Two-Family District; subject to revised plan.

**Calendar No. 03-251:** 17725 Puritas Avenue  
Cleveland Housing Network appealed to erect a 26' x 44' two-story, frame single family dwelling and a 20' x 20' detached garage in a One-Family District.

**Calendar No. 03-227:** 4914 Old Grayton Road  
Canal Road Partners and Allega Recycled Materials appealed for a special permit to expand the use of a concrete ready mix batch plant by adding a concrete recycling operation in a General Industry District; subject to conditions.

The following appeals were **Denied:**

**Calendar No. 03-237:** 10503-07 Superior Avenue  
Mohammad J. Ali, owner, and Amadou Sy, prospective tenant, appealed to add an accessory use of outdoor vending to sell various items in a parking lot at the front

of a vacant former food service building in a Local Retail Business District.

**Calendar No. 03-246:** 4081 West 158th Street  
Steven Englehart appealed to construct a 27' wide x 27' long x 17' high one-story frame accessory garage to the rear of a 40' x 125' parcel in a One-Family District.

The following appeal was **Dismissed:**

**Calendar No. 03-190:** 3006 East 116th Street  
Albert Daily appealed to establish use of a concession trailer and dumpster for carry-out food sales on a parcel in a General Retail Business District.

The following appeal was **Withdrawn:**

**Calendar No. 03-185:** 12814 Buckeye Road  
Helen Barclay Jones appealed to establish use as a day care facility a first floor restaurant in a two-story building when the restaurant is not in operation in a Local Retail Business District.

The following appeals were **Postponed:**

**Calendar No. 03-222:** 3821 East 93rd Street postponed to November 3, 2003.

**Calendar No. 03-252:** 4856 Lee Road postponed to March 8, 2004.

**On Monday, October 6, 2003, in Executive Session:**

The following appeals were heard by the Board on Monday, September 29, 2003, and said decisions were approved and adopted in Executive Session on Monday, October 6, 2003:

The following appeals were **Approved:**

**Calendar No. 03-239:** 3902 East 57th Street  
John Len appealed to construct a 14' x 20' accessory garage on a 14' x 22' existing pad at the rear of a single family dwelling in a Two-Family District.

**Calendar No. 03-240:** 6002 St. Clair Avenue  
Joseph Pinjuh appealed to change the use of a service station to a motor vehicle repair garage in a Local Retail Business District; subject to conditions.

**Calendar No. 03-242:** 3804-06 East 147th Street  
Gwendolyn Smith appealed to enclose a second floor 25' x 9' porch of a two family dwelling in a One-Family District.

**Calendar No. 03-244:** 13301 Carrington Avenue  
Carlos E. Fernandez appealed to construct a 32' x 59' two-story frame, single family house with an attached garage in a One Family District.

**Calendar No. 03-144:** 7407-09 Union Avenue  
TMS Enterprises appealed to change the use of a 27' x 67' two-

story structure on an 80' x 135' parcel to a used car sales lot in a General Retail Business District.

**Calendar No. 03-206:** 4004 East 131st Street  
Sanctuary Baptist Church appealed to expand a one-story church building by including a day care within the church building in a Local Retail Business District and a Two-Family District.

The following appeals were **Denied:**

**None.**

The following appeal was **Reinstated:**

**Calendar No. 03-233:** Appeal of Fuad D. Jaser  
Fuad D. Jaser appealed from the suspension of a City of Cleveland Hack License.

EUGENE CRANFORD, JR.,  
Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**By the Council Committee on  
Community and Economic  
Development**

**Mercedes Cotner Committee Room  
Cleveland City Hall,  
601 Lakeside Avenue, Room 217  
Tuesday, October 21, 2003  
9:30 a.m.**

Notice is hereby given in accordance with Chapter 324 of the Codified Ordinances of Cleveland, Ohio that the Council Committee on Community and Economic Development will hold a Public Hearing on October 21, 2003 at 9:30 a.m. in either Room 217 or the Cleveland City Council Chambers, City Hall, 601 Lakeside Avenue, Cleveland, Ohio to consider Ordinances Nos. 1177-03 and 1503-03 relating to the existence of blight at the following properties and the necessity of acquiring said properties to eliminate the blight and prevent its recurrence: 15601-03 St. Clair Avenue, 15710 St. Clair Avenue, 707-711 East 162nd Street, 705 East 162nd Street, and 12309 Kinsman Road.

All interested persons are encouraged to attend or be represented at the Public Hearing in order to be heard and to present their views.

MERLE R. GORDON,  
Chairwoman  
Community and Economic  
Development Committee

October 8, 2003 and October 15, 2003

**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."

**THURSDAY, OCTOBER 16, 2003**

**Annual Service and Maintenance of the MGE UPS System**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2211-2000, passed by the Council of the City of Cleveland, December 18, 2000.

THERE WILL BE A PRE-BID MEETING THURSDAY, OCTOBER 9, 2003 AT 10:30 A.M., THIRD DISTRICT POLICE STATION, 1ST FLOOR, 2100 PAYNE AVENUE, CLEVELAND, OHIO 44114.

**Purchase of MSA Breathing Apparatus**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1225-03, passed by the Council of the City of Cleveland, August 13, 2003.

THERE WILL BE A PRE-BID MEETING THURSDAY, OCTOBER 9, 2003 AT 9:00 A.M., FIRE STATION #28, 310 CARNEGIE, CLEVELAND, OHIO 44114.

October 8, 2003 and October 15, 2003

**THURSDAY, OCTOBER 23, 2003**

**Constructing & Installing Replacement Sewers & Rehabilitating & Repairing Sewers at Various Locations**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1073-02, passed by the Council of the City of Cleveland, July 17, 2002.

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

THERE WILL BE A PRE-BID MEETING, THURSDAY, OCTOBER 16, 2003 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

October 8, 2003 and October 15, 2003

**THURSDAY, OCTOBER 30, 2003**

**Rockwell Avenue Sewer & Water Main Replacement**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance Nos. 2452-02 and 1072-02, passed by the Council of the City of Cleveland, March 31, 2003 and July 17, 2002.

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

THERE WILL BE A MANDATORY PRE-BID MEETING WHERE YOUR ATTENDANCE IS MANDATORY TO BE ELIGIBLE FOR BIDDING; MONDAY, OCTOBER 20, 2003 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

October 8, 2003 and October 15, 2003

**WEDNESDAY, NOVEMBER 5, 2003**

**Phase II — Residential Sound Insulation Program (RSIP) Contract C-03 (General Construction/HVAC)**, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

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

THERE WILL BE A MANDATORY PRE-BID MEETING WHERE YOUR ATTENDANCE IS MANDATORY TO BE ELIGIBLE FOR BIDDING; THURSDAY, OCTOBER 16, 2003 AT 10:00 A.M., C & S ENGINEERS OF OHIO, MAIN CONFERENCE ROOM, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, CLEVELAND, OHIO 44135.

October 8, 2003 and October 15, 2003

**ADOPTED RESOLUTIONS AND ORDINANCES****Res. No. 1899-03.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit at 7905 Cedar Avenue and repealing Resolution No. 1126-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue by Resolution No. 1126-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Ahmad Askar, President, AKA Grocery, Inc., 7905 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 00843670005, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 7905 Cedar Avenue be and the same is hereby withdrawn and Resolution No. 1126-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 29, 2003.

Effective October 1, 2003.

**Res. No. 1900-03.**

**By Council Member Polensek.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 18506 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Turkeya, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9100506 to H M Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 3471700; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Turkeya, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 9100506 to H M Goldi, Inc., DBA Food Plus All, 18506 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 3471700; 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 September 29, 2003.  
Effective October 1, 2003.

**Res. No. 1901-03.**  
**By Council Member Reed.**  
**An emergency resolution objection to the transfer of ownership of a C1 and C2 Liquor Permit to 12408 Union Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and

C2 Liquor Permit from Union Beverage & Deli, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, Permanent Number 9152984 to Ashlex, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, Permanent Number 0296801; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Union Beverage & Deli, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, Permanent Number 9152984 to Ashlex, Inc., DBA Union Deli, 12408 Union Avenue, Cleveland, Ohio 44105, Permanent Number 0296801; 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 September 29, 2003.  
Effective October 1, 2003.

**Res. No. 1902-03.**

**By Council Member Rybka.**

**An emergency resolution withdrawing objection to a New C2 Liquor Permit at 7020 Harvard Avenue and repealing Resolution No. 1133-03, objecting to said permit.**

Whereas, this Council objected to a New C2 Liquor Permit to 7020 Harvard Avenue by Resolution No. 1133-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Edward W. Rybka and Eden Oil, Inc., DBA Harvard Gas USA, 7020 Harvard Avenue, Cleveland, Ohio 44105, Permanent Number 2434505, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a New C2 Liquor Permit to 7020 Harvard Avenue be and the same is hereby withdrawn and Resolution No. 1133-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted September 29, 2003.  
Effective October 1, 2003.

**Res. No. 1903-03.**

**By Council Member Scott.**

**An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 7011 St. Clair Avenue and repealing Resolution No. 925-03 objecting to said permit.**

Whereas, this Council objected to a New C1 and C2 Liquor Permit at 7011 St. Clair Avenue by Resolution No. 925-03 adopted by the Council on May 19, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Sabra Pierce Scott and Applicants, Jacqueline Tucker and Sherry A. Frisco, DBA S & J Deli Mini Mart, 7011 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 9085324, a copy of which is in the file for this address with the City Law Department; and

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

a municipal department; now, therefore,

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

**Section 1.** That objection to a New C1 and C2 Liquor Permit to Jacqueline Tucker and Sherry A. Frisco, DBA S & J Deli Mini Mart, 7011 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 9085324 be and the same is hereby withdrawn and Resolution No. 925-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted September 29, 2003.  
Effective October 1, 2003.

**Res. No. 1904-03.**

**By Council Member Zone.**

**An emergency resolution objection to the stock transfer of ownership of a D2 and D2X Liquor Permit to 8002 Detroit Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of ownership of a D2 and D2X Liquor Permit to 8002 Detroit, Inc., DBA American Food Market, 8002 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 2455400; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to

Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the stock transfer of ownership of a D2 and D2X Liquor Permit to 8002 Detroit, Inc., DBA American Food Market, 8002 Detroit Avenue, Cleveland, Ohio 44102, Permanent Number 2455400; 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 September 29, 2003.  
Effective October 1, 2003.

**Res. No. 1906-03.**

**By Council Members Jackson, Coats, Jones, Reed, Scott, Conwell and Zone.**

**An emergency resolution expressing this Council's honor that the City of Cleveland was chosen as the location for the 2004 NBC-LEO Summer meeting.**

Whereas, the National Black Caucus of Local Elected Officials ("NBC-LEO") selected the City of Cleveland as the site for its 2004 NBC-LEO summer meeting; and

Whereas, this selection by NBC-LEO was the result of work performed by an energetic and dedicated team; and

Whereas, Congresswoman Stephanie Tubbs Jones and former Congressman Louis Stokes personally appeared before the NBC-LEO Board and encouraged the Board to select the City of Cleveland as the site for its 2004 NBC-LEO summer meeting; and

Whereas, this Council is honored that the NBC-LEO Board selected the City of Cleveland as the site for its 2004 NBC-LEO summer meeting and is pleased to extend an invitation to NBC-LEO Members to visit and tour Cleveland for the 2004 NBC-LEO summer meeting; and

Whereas, Cleveland is a city that celebrates culture and diversity; and

Whereas, Cleveland is home to more than 35 distinct neighborhoods and 77 ethnic communities; and

Whereas, Cleveland is home to some of the finest educational, cultural, and medical institutions in the country; and

Whereas, Cleveland offers access to unique recreational activities including Lake Erie activities, bike-ways and greenways, community parks, and golf courses; and

Whereas, Cleveland also offers wonderful entertainment opportunities; and

Whereas, Cleveland has a strong black political community; and

Whereas, the late U.S. Ambassador Carl B. Stokes was elected mayor of the City of Cleveland in 1967 and, thereby, became the first black mayor of a large metropolitan city; and

Whereas, Ambassador Carl B. Stokes was a founding member of NBC-LEO; and

Whereas, during the NBC-LEO Summer 2004 meeting, Cleveland will honor the accomplishments of Ambassador Carl B. Stokes; and

Whereas, during the NBC-LEO Summer 2004 meeting, Cleveland will showcase the diversity of Cleveland and its many cultural activities; and

Whereas, during the NBC-LEO Summer 2004 meeting, Cleveland City Council will provide information to NBC-LEO members on City Council's legislative initiatives that further Cleveland City Council's motto of "Moving Cleveland Forward"; and

Whereas, during the NBC-LEO Summer 2004 meeting, attendees of the meeting, will be provided with opportunities to tour and visit a city that offers unique opportunities; and

Whereas, these unique opportunities will ensure that attendees are able to participate in activities that are challenging, memorable, and fun; and

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

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

**Section 1.** That this Council is honored that the City of Cleveland was chosen as the location for the NBC-LEO Summer 2004 meeting.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Congresswoman Stephanie Tubbs Jones, former Congressman Louis Stokes, E.W. Cromartie, III, President of NBC-LEO, Marian Tasco, President-Elect of NBC-LEO, all NBC-LEO Board of Directors, Donald J. Borut, Executive Director, National League of Cities, John D. Stefano, Jr., President, National League of Cities, Charles Lyons, First Vice President, National League of Cities, and Anthony Williams, Second Vice President, National League of Cities.

**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 September 29, 2003.  
Effective October 1, 2003.

**Ord. No. 1892-03.****By Council Member Lewis.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance No. 395-03, passed March 10, 2003, as amended by Ordinance No. 830-03, passed May 12, 2003, as amended by Ordinance No. 918-03, passed May 19, 2003, and as amended by Ordinance No. 1275-03, passed July 16, 2003 and as amended by Ordinance No. 1714-03, passed September 8, 2003 as it pertains to the Hough Service Provider Program through the Use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title of Ordinance No. 395-03, passed March 10, 2003 as amended by Ordinance No. 830-03, passed May 12, 2003, as amended by Ordinance No. 918-03, passed May 19, 2003, and as amended by Ordinance No. 1275-03, passed July 16, 2003, and as amended by Ordinance No. 1714-03, passed September 8, 2003 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into contract with The Consortium for Economic Community Development for Hough/Ward 7 and a for-profit or non-profit organization serving as the fiscal agent for The Consortium for Economic Community Development for Hough/Ward 7 to provide the Hough Service Provider Program through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That Section 1 of Ordinance No. 395-03, passed March 10, 2003 as amended by Ordinance No. 830-03, passed May 12, 2003, as amended by Ordinance No. 918-03, passed May 19, 2003, as amended by Ordinance No. 1275-03, passed July 16, 2003, and as amended by Ordinance No. 1714-03, passed September 8, 2003 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into contract with The Consortium for Economic Community Development for Hough/Ward 7 and a for-profit or non-profit organization serving as the fiscal agent for The Consortium for Economic Community Development for Hough/Ward 7 to provide the Hough Service Provider Program through the use of Ward 7 Neighborhood Equity Funds.

**Section 3.** That the Title and Section 1 of Ordinance No. 395-03, passed March 10, 2003 as amended by Ordinance No. 830-03, passed May 12, 2003, as amended by Ordinance No. 918-03, passed May 19, 2003, as amended by Ordinance No. 1275-03, passed July 16, 2003, and as amended by Ordinance No. 1714-03, passed September 8, 2003 is hereby are hereby repealed.

**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 September 29, 2003.

Effective September 30, 2003.

**Ord. No. 1893-03.****By Council Member Lewis.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1119-03, passed June 10, 2003 as amended by Ordinance No. 1532-03, passed August 13, 2003, and as amended by Ordinance No. 1715-03, passed September 8, 2003 as it pertains to the Project Launch Program through the Use of Ward 7 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 Title of Ordinance No. 1119-03, passed June 10, 2003 as amended by Ordinance No. 1532-03, passed August 13, 2003, and as amended by Ordinance No. 1715-03, passed September 8, 2003 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into contract with the CENTER FOR SELF IMPROVEMENT and a for-profit or non-profit organization serving as the fiscal agent for the CENTER FOR SELF IMPROVEMENT to provide the Project Launch Program through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That Section 1 of Ordinance No. 1119-03, passed June 10, 2003 as amended by Ordinance No. 1532-03, passed August 13, 2003, and as amended by Ordinance No. 1715-03, passed September 8, 2003 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into contract effective August 1, 2003 to July 31, 2004 with the CENTER FOR SELF IMPROVEMENT and a for-profit or non-profit organization serving as the fiscal agent for the CENTER FOR SELF IMPROVEMENT to provide the Project Launch Program for the public purpose of providing workforce training and supportive services referral for City of Cleveland residents through the use of Ward 7 Neighborhood Equity Funds.

**Section 3.** That the Title and Section 1 of Ordinance No. 1119-03, passed June 10, 2003 as amended by Ordinance No. 1532-03, passed August 13, 2003, and as amended by Ordinance No. 1715-03, passed September 8, 2003 are hereby repealed.

**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 September 29, 2003.

Effective October 1, 2003.

**Ord. No. 1894-03.****By Council Member Lewis.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1120-03, passed June 10, 2003 as amended by Ordinance No. 1533-03, passed August 13, 2003, and as amended by Ordinance No. 1716-03, passed September 8, 2003 as it pertains to the Women of Excellence Program through the use of Ward 7 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 Title of Ordinance No. 1120-03, passed June 10, 2003 as amended by Ordinance No. 1533-03, passed August 13, 2003, and as amended by Ordinance No. 1716-03, passed September 8, 2003 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into contract with the CENTER FOR SELF IMPROVEMENT and a for-profit or non-profit organization serving as the fiscal agent for the CENTER FOR SELF IMPROVEMENT to provide the Women of Excellence Program through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That Section 1 of Ordinance No. 1120-03, passed June 10, 2003 as amended by Ordinance No. 1533-03, passed August 13, 2003, and as amended by Ordinance No. 1716-03, passed September 8, 2003 are hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into contract effective September 15, 2003 to September 14, 2004 with the CENTER FOR SELF IMPROVEMENT and a for-profit or non-profit organization serving as the fiscal-agent for the CENTER FOR SELF IMPROVEMENT to provide the Women of Excellence Program for the public purpose of providing assistance to young women residing in the City of Cleveland in the area of self improvement and developing basic life skills in order to lead productive lives through the use of Ward 7 Neighborhood Equity Funds.

**Section 3.** That the Title and Section 1 of Ordinance No. 1120-03, passed June 10, 2003 as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003 are hereby repealed.

**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 September 29, 2003.

Effective October 1, 2003.

**Ord. No. 1895-03.****By Council Member Reed.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Cleveland Food Basket Program for the Food Program for Needy Residents through the use of Ward 3 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the New Cleveland Food Basket Program for the Food Program for Needy Residents for the public purpose of providing food to low and moderate income residents in the City of Cleveland through the use of Ward 3 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,000 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 September 29, 2003.  
Effective October 1, 2003.

**Ord. No. 1896-03.****By Council Member Reed.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the Tree Trimming and Cutting Program through the use of Ward 3 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Collaborative for Organizing Mt. Pleasant, Inc. for the Tree Trimming and Cutting Program for the public purpose of providing emergency tree trimming and cutting services to senior citizens and low income residents residing in the City of Cleveland through the use of Ward 3 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$9,500 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 September 29, 2003.  
Effective October 1, 2003.

**Ord. No. 1897-03.****By Council Member Reed.**

**An emergency ordinance amending Section 2 of Ordinance No. 1534-03, passed on August 13, 2003 as it relates to the African Cultural Village Program through the use of Ward 3 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1534-03, passed August 13, 2003 is hereby amended to read respectively as follows:

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,500 and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2 of Ordinance No. 1534-03, passed August 13, 2003 is hereby repealed.

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

Passed September 29, 2003.  
Effective October 1, 2003.

**Ord. No. 1898-03.****By Council Member Zone.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with National Church Residences of St. Coleman's of Cleveland, OH., Inc. to provide affordable housing for the residents of the City of Cleveland through the use of Ward 17 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 National Church Residences of St. Coleman's of Cleveland, OH., Inc.

to provide affordable housing for the residents of 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 \$30,000 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 September 29, 2003.  
Effective October 1, 2003.

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### COUNCIL COMMITTEE MEETINGS

**Monday, October 6, 2003  
9:30 A.M.**

**Health and Human Services Committee:** Present in Health and Human Services: Britt, Chair; Zone, Vice Chair; Cintron, Conwell, Scott, Polensek. *Authorized Absence:* Gordon.

**11:30 A.M.**

**Joint/Public Service Committee and City Planning Committee:** Present in Public Service: Sweeney, Chair; Polensek, O'Malley, Zone, Cimperman, Brady. *Authorized Absence:* Britt, Jones, Vice Chair; Johnson, White Present in City Planning: Cimperman, Chair; Lewis, O'Malley, Scott, Westbrook. *Authorized Absence:* Rybka, Vice Chair; Conwell.

**2:00 P.M.**

**Finance Committee:** Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, O'Malley, Reed, Pierce Scott, Westbrook. *Authorized Absence:* Gordon, White.

**Wednesday, October 8, 2003**

**10:00 A.M.**

**Aviation and Transportation Committee:** Present in Aviation and Transportation: Westbrook, Chair; Sweeney, Vice Chair; Britt, Dolan, Gordon, Reed, Rybka.

**1:30 p.m.**

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

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O—Ordinance; R—Resolution; F—File  
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