

# The City Record

Official Publication of the Council of the City of Cleveland



December the Tenth, 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

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	5
Board of Zoning Appeals	5
Board of Building Standards and Building Appeals	6
Public Notice	7
Public Hearings	7
City of Cleveland Bids	7
Adopted Resolutions and Ordinances	8
Committee Meetings	16
Index	16

PRESORTED STANDARD  
U. S. POSTAGE PAID  
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.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	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. Martines, Law Librarian, Room 100

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

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

**DEPT. OF PUBLIC UTILITIES** – 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 Ciacchia, 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 – Randall 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 Leok, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

**FAIR HOUSING BOARD** – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.

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

**MORAL CLAIMS COMMISSION** – Law Director Subodh Chandra; Chairman; Finance Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

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

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

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

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	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. Triozzi	14A
Judge Joseph J. Zone	12A

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, DECEMBER 10, 2003

No. 4696

## CITY COUNCIL

MONDAY, DECEMBER 8, 2003

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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

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

December 3, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 3, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Absent: Directors Baker, Mok and Hudecek.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted:

#### Resolution No. 722-03.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Commercial Door Co., Inc., d.b.a. Cleveland Key Shop, for an estimated quantity of keys, locks, and hardware, all items, for the various divisions of City government, for the period of two (2) years beginning with the date of execution of a contract, received on November 14, 2003 pursuant to the authority of Ordinance No. 890-03 passed June 2, 2003, which on the basis of the estimated quantity would amount to Sixty-Five Thousand and 00/100 Dollars (\$65,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131247 which shall be certified against such contract in the sum of Three Thousand Two Hundred Fifty and 00/100 Dollars (\$3,250.00).

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, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

#### Resolution No. 723-03.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Alpine Battery Co., d.b.a. Alpine Power Systems for an estimated quantity of purchase and installation of replacement storage batteries, all items, for the Office of Radio Communications, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on October 30, 2003, pursuant to the authority of Ordinance No. 1194-02, passed July 17, 2002 on

the basis of the estimated quantity would amount to Eighty Five Thousand Nine Hundred Fifty Five and 97/100 Dollars (\$85,955.97) (Net 30 Days), is hereby 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. 129438**

which shall be certified against such contract in the sum of Twenty Four Thousand Four Hundred Thirty Five and 40/100 Dollars (\$24,435.40).

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 estimate quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 724-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Rice Oil Co., LLC for an estimated quantity of lubricants part A, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on October 9, 2003, pursuant to the authority of Ordinance No. 805-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Three Hundred Eighty Nine Thousand Three Hundred Forty Nine and 80/100 Dollars (\$389,349.80) (2% 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 130139**

which shall be certified against such contract in the sum of Twenty Thousand Dollars (\$20,000.00).

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

Be it further resolved that the employment of the following subcontractor by Rice Oil Co., LLC, for the above-mentioned requirement contract is hereby approved:

Subcontractor	Percentage — Amount
---------------	---------------------

L. Gray Barrel and Drum Co. (MBE)	2.19% — \$8,520.00
--------------------------------------	--------------------

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 725-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Frank Blackmon for an estimated quantity of lubricants part B, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 9, 2003, pursuant to the authority of Ordinance No. 805-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Forty Eight Thousand Nine Hundred Sixty Two and 60/100 Dollars (\$48,962.60) (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 130140**

which shall be certified against such contract in the sum of Ten Thousand and no/100 Dollars (\$10,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such 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, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 726-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of lubricants part C, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on October 9, 2003, pursuant to the authority of Ordinance No. 805-03, passed by the Council of the City of Cleveland on June 10, 2003, which on the basis of the estimated quantity would amount to Three Thousand One Hundred Fifty and no/100 Dollars (\$3,150.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 130141**

which shall be certified against such contract in the sum of Three Thousand One Hundred Fifty and no/100 Dollars (\$3,150.00).

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

Be it further resolved that the employment of the following subcontractor by Universal Oil, Inc. for the above-mentioned requirement contract is hereby approved:

Subcontractor	Percentage — Amount
---------------	---------------------

L. Gray Barrel and Drum Co. (MBE)	9.4% — \$296.10
--------------------------------------	-----------------

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 727-03.**

By Director Ricchiuto.

Resolved by Board of Control of the City of Cleveland, that all bids received on August 27, 2003, for cab/chassis with 25-cubic yards refuse packer body, for the various divisions of City government, pursuant to the authority of Ordinance No. 1845-02, passed by the Council of the City of Cleveland on October 7, 2002, are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 728-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Admiral Truck Parts, Inc. for shop and diagnostic equipment, items 1-4, 6-20, 22-29, 33-37, 41-44, 47, 49, 52, 54-59, 66-72, 79, 84-86, 88, 89, 91, 93-96, 98, 99, 101, 111, 121-128, 130, 131, 134, 136, 140-143, for the Division of Motor Vehicle Maintenance, Department of Public Service, received on October 9, 2003, pursuant to the authority of Ordinance No. 1424-02, passed by the Council of the City of Cleveland on July 17, 2002, which on the basis of the order quantity would amount to Forty Nine Thousand Nine Hundred Eighty Five and 09/100 Dollars (\$49,985.09) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a contract for such items.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 729-03.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on October 9, 2003 for shop and diagnostic equipment items 5, 21, 30-32, 38-40, 45, 46, 48, 50, 51, 53, 60-65, 73-78, 80-83, 87, 90, 92, 97, 100, 102-110, 112-120, 129, 132, 133, 135, 137-139, 144, for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1424-2002, passed by the Council of the City of Cleveland on July 17, 2002 be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

**Resolution No. 730-03.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of November, 2003 in the amount of \$42.26, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Acting Director Horvath, Directors Konicek, Ricchiuto, Carroll, Acting Director Smith, Directors Ronayne, Routen, Acting Director Pesti, Directors Fumich, Taylor and Williams.

Nays: None.

Absent: Directors Baker, Mok and Hudecek.

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 stated in the examination announcement.

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

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

REYNALDO GALINDO,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 22, 2003**

**9:30 A.M.**

**Calendar No. 03-275:** 15255 Triskett Road (Ward 21)

Ohio Leitina Company c/o Charles Mills, owner, and prospective purchaser, Family Video c/o Brent Conley, agent, appeal to construct a 6,000' s/f video rental store and a 30 car parking lot situated on an approximate 158' x 175' irregular shaped, vacant parcel located in a General Retail Business District and a Multi-Family District on the southwesterly corner of Warren Road and Triskett Road at 15255 Triskett Road; the proposed construction being contrary to the provisions of Section 337.08 in the Residential Districts Regulations, where a video rental store is not permitted in a Multi-Family District and contrary to the Landscaping and Screening Requirements, where the proposed plan shows insufficient landscaping detail and an 8' wide transition landscape strip is required at the perimeter where the property abuts a Two-Family District and a detailed landscape plan is required as stated in Sections 352.08 through 352.12 and subject to the provisions under Enforcement and Penalty where a detailed, scaled site plan is required as stated in Section 327.02(d) of the Codified Ordinances.

**Calendar No. 03-314:** 9410-14 Lorain Avenue — Violation Notice (Ward 18)

Albert Corneo, owner, and Yousif Hamdeh, tenant, appeal under Section 329.01(e), from a Violation Notice issued October 8, 2003 by the Building and Housing Department for illegal conversion of the premises for a use that provides body piercing and tattooing and is subject to the Enforcement and Penalty provisions of Sections 327.02(c) and 327.99 of the Codified Ordinances.

**Calendar No. 03-322:** 3265 West 88th Street (Ward 18)

Robert E. Mosack, owner, appeals to construct a 32" high fence/barrier wall in the front yard of a two-story dwelling situated on a 45' x 131' parcel located in a Two-Family District on the east side of West 88th Street at 3265 West 88th Street; the proposed construction being contrary to Section 349.04 of the Off-Street Parking and Loading Requirements where the proposed construction will eliminate any legal on site parking; and contrary to Section 358.04(a) of the Fence Regulations that requires a fence/wall in the front yard to be at least 50% open and a solid fence/wall is proposed and the construction as proposed will be locat-

ed along and parallel to a driveway within 15' of its intersection with a public sidewalk where a fence/wall height may not exceed 2'-6" unless all portions above the 2'-6" height are 75% open as stated in Section 358.03(a) of the Codified Ordinances.

**Calendar No. 03-323:** 9410-14 Lorain Avenue (Ward 18)

Albert Coreno, owner, and Yousif Hamdeh, tenant, appeal to establish use as a body piercing and tattoo place of business in a one-story masonry building situated in a Local Retail Business District on the north side of Lorain Avenue at 9410-14 Lorain Avenue; the proposed use which abuts a Two-Family District being contrary to the Business Districts Regulations, where a tattoo and body piercing use is not permitted in a Local Retail Business District but first permitted in a General Retail Business District but only if it is located a distance of 1000' from a Residence District as stated in Section 343.01 of the Codified Ordinances.

**Calendar No. 03-324:** 13540 Lorain Avenue (Ward 20)

Elizabeth Hlavinka, owner, and Robert Gonzales, prospective tenant, appeal to change the use of a one-story commercial building situated on an approximate 60' x 144' irregular shaped parcel located in a General Retail Business District on the north side of Lorain Avenue at 13540 Lorain Avenue; the proposed day care use being subject to Section 343.11 of the Business Districts Regulations and by reference, as regulated in a Multi-Family District under Section 337.08(e), a day care and its uses, if located less than 15' from any Residence District, requires the Board of Zoning Appeals approval and the proposed day care abuts a One-Family District and by reference, as regulated in a One-Family District under Section 337.02(f)(3)(c), requires the Board of Zoning Appeals approval as stated in the Codified Ordinances.

**Calendar No. 03-325:** 11604 Governor Avenue (Ward 19)

George M. Greenawalt, owner, appeals to erect a 27' x 23' two-story frame, new garage addition to the east side of a one family dwelling situated on a 70' x 46' parcel located in a Two-Family District on the north side of Governor Avenue at 11604 Governor Avenue; the proposed garage addition being contrary to Section 357.06 where a 25' line of existing front setback is required and 20' is provided for the existing nonconforming front yard setback and contrary to Sections 357.08 and 357.09(a)(2), where a 20' rear yard is required and 1'-8" is provided and an interior side yard of 3' is required where 1'-8" is provided and contrary to Section 357.09(b)(2)A where no building shall be erected less than 10' from a main building on an adjoining lot to the west and 1'-8" is provided and subject to Regulations for Nonconforming Uses where an expansion of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 8, 2003**

At the meeting of the Board of Zoning Appeals on Monday, December 8, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 03-310:** 3304 East 126th Street

Mt. Pleasant Church of God appealed to construct an eleven car parking lot to the rear of an existing church located on a 120' x 290' parcel in a Two-Family District.

**Calendar No. 03-312:** 16107 Miles Avenue

New Jerusalem Church appealed to construct stairs, landings and a wheelchair lift to the front of a one-story brick church building located on a 60' x 111' parcel in a One-Family District.

**Calendar No. 03-316:** 4428 Bridge Avenue

Eric Fritz appealed to change the use of a two-story brick store and two dwelling suites to a beauty salon and two dwelling suites in a Two-Family District.

**Calendar No. 03-317:** 5515 Ira Avenue

Cleveland Public Schools appealed to install a new 7' x 10' freestanding, double-sided bulletin board sign in the side yard of William Rainey Harper School located in a Two-Family District; subject to condition.

**Calendar No. 03-289:** 9616 Gaylord Avenue

Robert Lanier appealed to enclose a 14' x 10' front porch of a one family dwelling in a Two-Family District.

**Calendar No. 03-292:** 2600 Hamilton Avenue

Fleck & Associates appealed to erect a 39,587 s/f gymnasium and private club building with 15 sleeping rooms and a 62 space parking lot on a 480' acreage parcel in a General Industry District.

**Calendar No. 03-302:** 15235 Lorain Avenue

Tomken, Inc. appealed to erect a parking lot for new car sales on a 50' x 188' parcel in a General Retail Business District.

**Calendar No. 03-303:** 15310 Lorain Avenue

Ganley Real Estate Company appealed to erect a parking lot for auto sales and parking on a 213' x 172' irregular shaped parcel in a General Retail Business District.

The following appeal was **Denied:**

**Calendar No. 03-287:** 2207 East 33rd Street

Cellie Pittman appealed from a Violation Notice issued September 30, 2003 by the Building and Housing Department regarding access and maintenance of accessory off-street parking spaces, driveways and maneuvering areas.

The following appeal was **Postponed:**

**Calendar No. 03-272:** 1584 East 82nd Street postponed to January 12, 2004.

The following appeals were **Withdrawn:**

**None.**

The following appeal was **Dismissed:**

**Calendar No. 03-311:** 3316 East 126th Street

Mt. Pleasant Church of God appealed to construct a 32 car parking lot on a 120' x 152' parcel in a Two-Family District.

**On Monday, December 8, 2003, in Executive Session:**

The following appeals were heard by the Board on Monday, December 1, 2003, and said decisions were approved and adopted in Executive Session on Monday, December 8, 2003:

The following appeals were **Approved:**

**Calendar No. 03-305:** 3132 West 101st Street

Melvin Smith appealed to park in the front setback area of a driveway in a Two Family District; subject to conditions.

**Calendar No. 03-260:** 10231 Adelaide Avenue

Nicholas Karnavas appealed to enclose an existing 7' x 24' front porch of a one family dwelling in a Two-Family District.

The following appeal was **Denied:**

**Calendar No. 03-304:** 3731 Trowbridge Avenue

Anne Votruba appealed from a Violation Notice issued August 22, 2003 by the Building and Housing Department regarding access and maintenance of accessory off-street parking spaces.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
December 3, 2003

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

\* \* \*

**Docket A-49-03.**

RE: Appeal of Eddie Clark, Owner of the Auto Salvage Yard located on the premises known as 777 East 143rd Street (a.k.a. 777-81 East 143rd Street) from a NOTICE OF VIOLATION—UNAUTHORIZED USE of the Commissioner of the Department of Building and Housing, dated March 7, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-49-03 has been POSTPONED; to be rescheduled for a later date.

**Docket A-93-03.**

RE: Appeal of BMG Management, Owner of the Property located on the premises known as 13000 St. Clair Avenue from an ABATEMENT ORDER—FIRE CODE of the Chief of the Division of Fire, dated April 22, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled tentatively for January 14, 2004.

\* \* \*

**Docket A-96-03.**

RE: Appeal of Preferred Builders Of Solon, Owner of the Property located on the premises known as 8602 Wade Park Avenue from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated August 2, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, the docket will be rescheduled for December 17, 2003.

\* \* \*

**Docket A-102-03.**

RE: Appeal of Manchester Realty, LLC, Owner of the Property located on the premises known as 708 St. Clair Avenue from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated July 23, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; if a variance is needed, the Board will be notified by the Appellant to reschedule the docket.

\* \* \*

**Docket A-105-03.**

RE: Appeal of Beal Bank SSB, Mortgagee of the Two & One-half Story Residential Property located on the premises known as 3388 East 70th Street from a 30 DAY CONDEMNATION ORDER—MS of the Commissioner of the Department of Building and Housing, dated July 18, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER—MS and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to clean, groom and maintain the property debris free within two (2) weeks; and to grant the Appellant three (3) months in which to obtain permits and abate the violations on the property with a report due to the Board in thirty (30) days as to the disposition of the property and the foreclosure action. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

**Docket A-121-03.**

RE: Appeal of James McVean, Owner of the Two & One-half Story Frame Residential Row House Properties located on the premises known as 3219 Denison Avenue from a NOTICE OF VIOLATION—INTERIOR/EXTERIOR MAINTENANCE of the Commissioner of the Department of Building and Housing, dated September 25, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3219 Denison Avenue to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**Docket A-122-03.**

RE: Appeal of Cleveland Municipal School District, Owner of the Property located on the premises known as 1440 Lakeside Avenue from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated October 24, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the building classification did not change, was both business and education and remains as such, so that the requirement of updating the elevator to current code requirements, the variance is granted. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-124-03.**

RE: Appeal of Agnes C. Lytle, Owner of the Two & One-half Story Wood Frame Residential Property located on the premises known as 2186 West 44th Street from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE/30 DAY CONDEMNATION ORDER—GARAGE of the Commissioner of the Department of Building and Housing, dated October 7, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal in view of the hazard and nuisance created by the debris and to REMAND the property at 2186 West 44th Street to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-126-03.**

RE: Appeal of The United Construction, Owner of the Two Family Residential Property located on the premises known as 1420 West 48th

Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Department of Building and Housing, dated October 10, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the residence to be remodeled as proposed, noting that there are no windows being added on the south side of the structure adjacent to the open yard and on the property line and that there is an open lot on the north side, on either side of the driveway, and that the Building Department concurs with this ruling. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

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

\* \* \*

**Docket A-128-03.**

RE: Appeal of Timothy R. Rowe, Owner of the Property located on the premises known as 4642 West 130th Street (a.k.a. 4638 & 4642 West 130th Street) from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated October 20, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the awning to remain as installed, with the provision that the Appellant review it with the local neighborhood group and obtain their approval as well. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

A-104-03—Jim Bellanca.

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

\* \* \*

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

A-127-03—Vocational Guidance Services.

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

**APPROVAL OF MINUTES:**

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

November 19, 2003

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

\* \* \*

EUGENE CRANFORD, JR.,  
Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**THURSDAY, DECEMBER 18, 2003**

**Wire and Accessories**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING**; THURSDAY, DECEMBER 11, 2003 AT 10:30 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

December 3, 2003 and December 10, 2003

**FRIDAY, DECEMBER 19, 2003**

**Small Water Meters**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, DECEMBER 15, 2003 AT 10:30 A.M., DIVISION OF WATER-DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

**Large Water Meters**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, DECEMBER 15, 2003 AT 10:30 A.M., DIVISION OF WATER-DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

**Water Meters Parts**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, DECEMBER 15, 2003 AT 10:30 A.M., DIVISION OF WATER-DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

**Tree Lawn Repair**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1153-03, passed by the Council of the City of Cleveland, August 13, 2003.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, DECEMBER 12, 2003 AT 10:30 A.M., DIVISION OF WATER-DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

**THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

December 3, 2003 and December 10, 2003

**FRIDAY, JANUARY 2, 2004**

**Refill, Repair and Replace Fire Extinguishers**, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2023-03, passed by the Council of the City of Cleveland, November 10, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, DECEMBER 18, 2003 AT 10:00 A.M., CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 104, CLEVELAND, OHIO 44114.

**Contract Pavement Marking**, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 371-03, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, DECEMBER 22, 2003 AT 10:00 A.M., CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

**Cab/Chassis with 25-Cub Yards Refuse Packer Body**, for Various Divisions, Departments of Public Service, Parks, Recreation and Properties and Public Safety, as authorized by Ordinance No. 1845-02, October 7, 2002.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, MONDAY, DECEMBER 22, 2003 AT 4:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH ST., BUILDING #1, CLEVELAND, OHIO 44105.

December 10, 2003 and December 17, 2003

**WEDNESDAY, JANUARY 7, 2004**

**Truck and Car Washing and Car Waxing**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 233-03, passed by the Council of the City of Cleveland, April 7, 2003.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, DECEMBER 30, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

December 10, 2003 and December 17, 2003

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**ADOPTED RESOLUTIONS AND ORDINANCES**


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**Res. No. 2409-03.**  
By Council Members Coats, Pierce Scott, Zone, Westbrook, Lewis, Cimperman, Sweeney, Conwell, Britt, White, Brady and Jones.

An emergency resolution requesting Cleveland Public Power to immediately issue a moratorium on all electric disconnections until April 15, 2004 and urging The Illuminating Company and Dominion East Ohio Gas to adopt a moratorium on all electric and gas disconnections for its customers this winter.

Whereas, temperatures have begun to fall as Cleveland residents brace for another bitterly cold winter; and

Whereas, many residents have been fighting a weak economy and rising energy costs, while struggling to pay their utility bills; and

Whereas, some families are forced to choose between paying their utility bills, buying food for their families, or seeking medical help; and

Whereas, no resident, especially our children and seniors, should face this winter without heat or light; and

Whereas, utility companies serving Cleveland residents should place the health, safety, and welfare of their customers above their bottom-line during our coldest months of the year; and

Whereas, this Council requests that any residents who have had their utilities disconnected on or after November 15, 2003 be allowed to reconnect their service at no cost; and any residents whose utilities were disconnected on November 1, 2003 and up to November 15, 2003 be able to reconnect their service for a minimal fee; 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 requests Cleveland Public Power to immediately issue a moratorium on all electric disconnections until April 15, 2004 and urges The Illuminating Company and Dominion East Ohio Gas to adopt a moratorium on all electric and gas disconnections for its customers this winter.

**Section 2.** The Clerk is directed to transmit copies to the Director of Public Utilities, the Director of Cleveland Public Power, the Commissioners for the Public Utilities Commission of Ohio, and representatives from the Illuminating Company and Dominion East Ohio Gas.

**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 December 1, 2003.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 2410-03.**

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 18414-16 St. Clair Avenue and repealing Resolution No. 1335-03, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 18414-16 St. Clair Avenue by Resolution No. 1335-03 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 signed November 20, 2003 by and through City Council Representative, Michael D. Polensek and Applicant, Jennifer



L. Hudy, President of Romito Enterprises, Inc., 18414-16 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 7501515, 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 D5 Liquor Permit to Romito Enterprises, Inc., 18414-16 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 7501515 be and the same is hereby withdrawn and Resolution No. 1335-03, 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.

Adopted December 1, 2003.  
Effective December 3, 2003.

**Res. No. 2411-03.**

**By Council Member White.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 11334 Miles Avenue and repealing Resolution No. 1565-03, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Avenue by Resolution No. 1565-03 adopted by the Council on August 13, 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, Robert J. White and Applicant, Shaban A. Moamar, President of Ahmed Mini Market, Inc., DBA Ahmed Mini Market, 11334 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 0079613, 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 a C2 and C2X Liquor Permit to 11334 Miles Avenue be and the same is hereby withdrawn and Resolution No. 1565-03, 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 December 1, 2003.  
Effective December 3, 2003.

**Res. No. 2412-03.**

**By Council Members O'Malley, Gordon, Jackson, Rybka, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Johnson, Jones, Lewis, Pierce Scott, Polensek, Reed, Sweeney, Westbrook, White and Zone.**

**An emergency resolution urging the Campbell administration to investigate the rash of private hospitals closing in this city, to investigate possible violations by such hospitals of Chapter 686 of the Codified Ordinances of the City of Cleveland, and to investigate possible antitrust violations by University Hospitals Health Systems and the Cleveland Clinic Foundation.**

Whereas, in September, 2003, St. Michael's Hospital announced it would stop providing medical services on December 19, 2003; and

Whereas, this imminent closure will effect thousands of City residents, including those most in need of health care services; and

Whereas, in recent years, the city of Cleveland has been affected by the closure of St. Luke Hospital and Mt. Sinai Hospital; and

Whereas, on Friday, November 28, 2003, Deaconess Hospital suddenly transferred its patients and closed its doors, in apparent violation of Chapter 686 of the Codified Ordinances of the City of Cleveland; and

Whereas, Chapter 686 of the Codified Ordinances of the City requires a 90 day notice to the City prior to any reductions in or significant operational changes to hospital facilities or services; and

Whereas, the sudden and unannounced closing of Deaconess Hospital is just the latest consequence of an ineffective health care system and yet another indication of the failure of our health care system to meet the needs of the residents of our city, including the uninsured and the underinsured; and

Whereas, it is apparent that the two major hospital systems in this city, University Hospitals Health System and The Cleveland Clinic Foundation, monopolize the provision of health care services in Cleveland to the detriment of community based hospitals and the people they serve; and

Whereas, it is incumbent upon the Campbell administration to investigate these actions to ensure that residents of the city continue to receive adequate health care services; and

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

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

**Section 1.** That this Council hereby urges the Campbell administration to investigate the rash of private hospitals closing in this city, to investigate possible violations by such hospitals of Chapter 686 of the Codified Ordinances of the City of Cleveland, and to investigate possible antitrust violations by University Hospitals Health System and the Cleveland Clinic Foundation.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Dr. George Saad, CEO, Deaconess Hospital, Floyd Loop, CEO, Cleveland Clinic, Thomas Zenty, University Hospitals Health System.

**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 December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 908-03.**

**By Council Member Conwell.**  
**An emergency ordinance to create a Mayor's Task Force on Responsible Fatherhood.**

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.** There is hereby established a Mayor's Task Force on Responsible Fatherhood consisting of one (1) representative to be appointed by the Mayor from the Community Relations Board; one (1) representative to be appointed by the Mayor from each of the following City departments: the Department of Health, the Department of Personnel and Human Resources, and the Department of Public Safety; two (2) representatives from Council to be appointed by the Council President; two (2) representatives from the Cleveland Public School District; and five (5) citizen representatives: two (2) appointed by the Mayor; two (2) appointed by the Council President; and one (1) appointed jointly by the Mayor and the Council President. One of these members shall be elected Chairman every two (2) years by the members of the Task Force. The Task Force shall appoint a Secretary, who may or may not be a member of the Task Force, and who shall serve at the pleasure of the Task Force. Such Task Force shall adopt its own rules and order of business and keep a journal of its proceedings. The Task Force shall meet at least every 2 months, and upon the call of the Chairman.

**Section 2. Duties of the Task Force.** The Task Force shall do the following:

(1) Organize two Town Hall meetings per year on responsible fatherhood;

(2) Prepare a report each year that identifies resources available to fund fatherhood-related programs and explores the creation of initiatives that:

- (A) build parenting skills of fathers;
- (B) provide employment-related services for low-income, non-custodial fathers;
- (C) prevent premature fatherhood;
- (D) provide services to fathers who are inmates in or have just been released from prison or other detention facility so that they are able to maintain or reestablish relationships with their families;
- (E) reconcile fathers with their families;
- (F) increase public awareness of the critical role of fathers.

**Section 3. Solicitation of Funds; Special Task Force Account.** The Task Force shall solicit grants or contributions on behalf of the City

to be used solely to support the operations of the Task Force. The funds shall be deposited in the "Mayor's Task Force on Responsible Fatherhood Account" which is hereby established within the General Fund.

**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 December 1, 2003.

Effective December 3, 2003.

**Ord. No. 1712-03.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Hecker Avenue to Billy Stuart.**

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 of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 105-23-044, as more fully described below, to Billy Stuart.

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

P. P. No. 105-23-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in W.H. and J.E. Hecker's Subdivision of part of Original One Hundred Acre Lot No. 344, as shown by the recorded plat in Volume 10 of Maps, Page 15 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Hecker Avenue (formerly Fern Street), and extending back between parallel lines 146 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 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.

Passed December 1, 2003.

Effective December 3, 2003.

**Ord. No. 1809-03.**

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

**An emergency ordinance to amend Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1020-01, passed July 18, 2001, relating to pedestrian retail overlay (PRO) district.**

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 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1020-01, passed July 18, 2001, is amended to read as follows:

**Section 343.23 Pedestrian Retail Overlay (PRO) District**

(a) *Purpose.* The Pedestrian Retail Overlay (PRO) District is established to maintain the economic viability of older neighborhood shopping districts by preserving the pedestrian-oriented character of those districts and to protect public safety by minimizing conflicts between vehicles and pedestrians in neighborhood shopping districts.

(b) *Mapping.* The PRO District is an overlay district which shall be mapped only in an area where at least seventy five (75%) of the underlying zoning is either Local Retail or General Retail. In every PRO District, any street frontage to be considered a "Pedestrian Retail

Street Frontage," as defined herein, shall be so marked on the Zoning Map, with either one or both sides of a street designated as such.

(c) *Applicability.* The PRO District regulations shall apply only in those portions of a PRO District in which the underlying zoning is either Local Retail or General Retail. In the relevant portions of a PRO District, the regulations of the underlying zoning district shall govern except where in conflict with the regulations of the PRO District, in which case the regulations of the PRO District shall govern.

(d) *Definitions.* As used in this section, the following terms shall be defined as stated below.

(1) *"Pedestrian Retail Street Frontage"* means that side or sides of a public street frontage where pedestrian-oriented retail shopping activity exists or is expected to exist and such street frontage is specifically designated on the Zoning Map.

(2) *"Pedestrian Retail Space"* means that portion of a building or property located at or closest to the level of the public sidewalk and within forty (40) feet of a Pedestrian Retail Street Frontage.

(3) *"Open Sales Lot"* means a property or portion thereof used for the sale of merchandise stored in outdoor, unenclosed locations.

(4) *"Institutional Use"* means, for purposes of this section, a school, day care center, place of worship, place of assembly, hospital, nursing home, residential treatment facility, or similar use.

(5) *"Non-Retail Office"* means an office use whose primary activity does not involve service to customers or clients on the premises.

(e) *Use Regulations.* All uses permitted in the underlying retail zoning district shall be permitted in the PRO District, except that the use of Pedestrian Retail Spaces, as defined herein, shall be further limited as follows.

(1) *Prohibited Uses.* For Pedestrian Retail Spaces, as defined herein, the following uses shall be prohibited:

- A. open sales lots, as defined herein;
- B. filling and service stations;
- C. car washes;
- D. lanes serving a drive-through facility.

(2) *Conditional Uses.* For Pedestrian Retail Spaces, as defined herein, the following uses shall be permitted as Conditional Uses, as approved by the City Planning Commission in accordance with the approval criteria provided in this section:

- A. off-street parking or loading areas;
- B. driveways extending across a public sidewalk;
- C. residential, institutional and non-retail office uses, as defined herein, except that ground-floor entrances and lobbies serving such uses located on upper floors or in a basement level shall be permitted without the requirement for conditional approval;
- D. any building-enclosed use that does not have a public pedestrian entrance from the Pedestrian Retail Street Frontage;
- E. any use with more than forty (40) feet of frontage along the Pedestrian Retail Street Frontage;

F. a building with an interior side yard more than four (4) feet in width and located within forty (40) feet of a Pedestrian Retail Frontage.

(f) *Criteria for Conditional Uses.* The City Planning Commission shall approve a Conditional Use application if it determines that the application meets the following criteria.

(1) In the case of a proposed residential, institutional or non-retail office use, one or more of the following conditions apply.

A. The subject building space was designed specifically for the type of use proposed and, as such, occupancy by an allowed use is an unreasonable expectation.

B. Denial of the application for occupancy by a conditional use would result in a long-term vacancy of the subject property, as demonstrated by the applicant.

C. It has been determined that the proposed use is needed in the immediate area and that suitable alternative locations are unavailable.

(2) In the case of a proposed off-street parking or loading area or driveway, one or both of the following conditions apply.

A. The size, shape or layout of the subject property does not permit placement of the parking, loading or driveway in a more suitable location.

B. It has been demonstrated by the applicant that placement of the parking, loading or driveway in an allowed location would jeopardize the continued occupancy of the subject property by uses suited to the PRO District.

(3) In the case of a building-enclosed use that does not have an entrance from the Pedestrian Retail Street Frontage, one or both of the following conditions apply.

A. The proposed use will occupy an existing building that lacks such pedestrian entrance, and the addition of a conforming pedestrian entrance is made infeasible by the configuration of the interior space or other factors related to the design and placement of the building.

B. Placement of the pedestrian entrance in a location other than on the Pedestrian Retail Street Frontage will result in more suitable pedestrian access.

(4) In the case of a proposed use with more than forty (40) feet of frontage along the Pedestrian Retail Street Frontage, the subject space was designed for use at such size and the proposed use, in the determination of the City Planning Commission, will not have adverse impacts on the functioning of nearby pedestrian-oriented retail uses.

(5) In the case of an interior side yard more than four (4) feet in width and located within forty (40) feet of a Pedestrian Retail Frontage, the subject building will be occupied by residential units which require the greater side yard area to allow for desirable levels of light and air.

(g) *Maximum Setbacks.* Notwithstanding the provisions of the underlying zoning district, properties in PRO Districts shall conform to the following regulations with respect to maximum setbacks.

(1) *Front Street Yard.* No main building on a lot abutting a Pedestrian Retail Street Frontage shall be

set back more than five (5) feet from the Pedestrian Retail Street Frontage unless the City Planning Commission has approved establishment of a surface parking lot in such location as a Conditional Use. Such building features as entrances and display windows may be set back up to an additional five (5) feet as long as these features occupy no more than fifty percent (50%) of the a building's total frontage. These setback regulations shall not apply to portions of buildings above the first-story level.

(2) *Interior Side Yard.* No portion of an interior side yard located within forty (40) feet of a Pedestrian Retail Street Frontage shall exceed four (4) feet in width on the ground floor level, unless the City Planning Commission has approved a driveway or a residential side yard in such location as a Conditional Use.

(3) *Exceptions for Outdoor Cafes.* A building may be set back a maximum of fifteen (15) feet from the Pedestrian Retail Street Frontage in order to accommodate a permanent outdoor café. If use of such café is discontinued for a period of two (2) years or more, the setback area shall be landscaped or otherwise improved in accordance with a plan approved by the City Planning Commission.

(h) *Window Areas.* For any non-residential building or storefront facing a Pedestrian Retail Street Frontage, not less than sixty percent (60%) of the front facade between 2.5 and 7.5 feet in height shall be composed of transparent windows or doors. In addition, not more than twenty-five percent (25%) of such window or door area on a building or storefront shall be covered with permanent signs.

(i) *Parking.* In recognition of the expected greater use of public transit, bicycles and walking by customers and employees traveling to PRO Districts, the minimum number of parking spaces otherwise required by the Zoning Code shall be reduced by thirty-three percent (33%) for retail business uses in such districts. The Board of Zoning Appeals may further reduce parking requirements where it has been demonstrated that additional parking is available in common or shared parking facilities or in on-street parking areas located within a reasonable walking distance of the use, given the nature of the use and the district. The Board shall also consider such factors as the number of bicycle racks available in proximity to a use. In making its determination, the Board shall be guided by an up-to-date analysis of parking supply and demand and other relevant factors submitted by or on behalf of the applicant. The City Planning Commission shall maintain a file of all such parking analyses submitted for properties in each PRO District.

(j) Signs in the Public Street Right-of-Way. An ordinance to map a PRO District in a particular location may include permission to place private signs in the public street right-of-way under the regulations of Chapter 512 of the Codified Ordinances. Such provision shall be included in the PRO designation only if it is determined, on the basis of a survey and analysis conducted by the City Planning Commission,

that the particular PRO District is characterized by a preponderance of restaurants and small independent stores for which signs placed near the street curb would provide useful information to pedestrians seeking goods and services and would enhance the pedestrian-oriented image of the district. Any PRO District designated for display of signs in the street right-of-way shall be shown on the Zoning Map as a "PRO-S" District, with "S" noting the presence of special sign provisions. No sign permitted by these provisions shall be displayed without design approval of the sign's structure and permanent elements by the City Planning Commission, or where applicable, by the Landmarks Commission.

(k) *Variances.* The Board of Zoning Appeals may grant variances to requirements of this section in accordance with the applicable criteria stated in Chapter 329 of this code.

(l) *Appeals.* Appeals from the decision of the City Planning Commission to approve or disapprove Conditional Uses in Pedestrian Retail Spaces shall be made to the Board of Zoning Appeals.

**Section 2.** That Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1020-01, passed July 18, 2001, is repealed.

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

Passed December 1, 2003.  
Effective December 3, 2003.

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**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.

Passed December 1, 2003.  
Effective December 3, 2003.

**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.

Passed December 1, 2003.  
Effective December 3, 2003.

**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, 110.48 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 ordi-

nance 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.

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2043-03.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 2004 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for the Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to apply for and accept a grant in the approximate amount of \$250,000.00, from the Ohio Department of Education, to conduct the 2004 Summer Food Program for the purposes described in the program description; that the Director of Parks, Recreation and Properties is authorized to file all papers and execute all documents necessary to receive the funds under the grant, and that the funds are appropriated for the purposes described in the program description for the grant.

**Section 2.** That the program description for the grant, File No. 2043-03-A, made a part hereof as if fully rewritten is approved in all respects.

**Section 3.** That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three months (June, July and August, 2004) for the breakfast, lunch and snack program to be served at nineteen City recreation centers and various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

**Section 4.** The cost of the contract or contracts shall be charged against the proper appropriation account, and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 5.** That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Parks, Recreation and Properties is authorized to make one or more written contracts with the following agencies and any additional agencies as determined by the Director for implementation of the 2004 Summer Food Program:

Broken Pieces Fellowship Church  
Emile deSauze  
El Centro Hispano deJouenes  
2nd Calvary Baptist Church

**Section 6.** That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted by this ordinance.

**Section 7.** That the Director of Parks, Recreation and Properties is authorized to make one or more written requirement contracts under with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine.

**Section 8.** The cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchaser, which purchase, together with all later purchases,

shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

**Section 9.** That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2044-03.**

**By Council Member Conwell.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Phillips Avenue to Gary Warner and Gilliam Robinson-Warner.**

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). 110-26-062, as more fully described below, to Gary Warner and Gilliam Robinson-Warner.

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

P. P. No. 110-26-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 214 in the Lakeview Land and Improvement Company's Subdivision of parts of Original One Hundred Acre Lots Nos. 379 and 380 as shown by the recorded plat of said Subdivision in Volume 40 of Maps, Page 13 of Cuyahoga County Records and being 39.22 feet plus arc front on the Northerly line of Phillips Avenue, N.E., 112 feet deep on the Westerly line, 92 feet deep plus arc on the

Easterly line which is also the Westerly line of East 123rd Street, and 59.22 feet wide in the rear, be the same more or less, but subject to all legal highways.

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

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

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

**Section 6.** That the agreement or agreements shall provide for review by the City Planning Commission and the Design Review Committee of any plans for the development of the property.

**Section 7.** 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 December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2091-03.  
By Council Members Johnson, White and Jackson (by departmental request).**

**An emergency ordinance approving the schedule of prices for all the various parts and sections of the West Side Market, according to Section 133.16 of the Codified Ordinances of Cleveland, Ohio, 1976.**

Whereas, Section 133.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1027-2000, passed June 5, 2000, requires the Director of Parks, Recreation and Properties to present a schedule of prices for all the various parts and sections of the West Side Market for the Council's review, approval, and modification; 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 approves the schedule of prices for the various parts and sections of the West Side Market placed in File No. 2091-03-A.

**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.

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2148-03.  
By Council Members Britt and Jackson (by departmental request).**

**An emergency ordinance to authorize the Director of Public Health and Welfare to exercise an option to renew Contract No. 53628 with the U.S. Department of Veterans Affairs to provide medical services at the McCafferty Health Center, for the Department of Public Health and Welfare.**

Whereas, Ordinance No. 1079-98, passed June 15, 1998, authorized the Director of Public Health and Welfare to enter into Contract No. 53628 with the U.S. Department of Veterans Affairs to provide medical services at the McCafferty Health Center; and

Whereas, Ordinance No. 1079-98 requires further legislative authority prior to exercising the option to renew this Contract; and

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

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

**Section 1.** That notwithstanding any provision of Ordinance No. 1079-98, passed June 15, 1998 to the contrary, the Director of Public Health and Welfare is authorized to exercise the option to renew Contract No. 53628, for an additional five years, with the U.S. Department of Veterans Affairs, for professional services to provide medical services at the McCafferty Health Center for the Department of Public Health and Welfare. This ordinance constitutes the additional legislative authority required by Ordinance No. 1079-98, passed June 15, 1998, to exercise this option. At the expiration of the contract term as extended by this option to renew, Contract No. 53628 shall expire.

**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.

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2149-03.  
By Council Members Britt and Jackson (by departmental request).  
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2004 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$817,656, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2004 Federal AIDS Prevention Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 2149-03-A, made a part as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts for the implementation of the program as described in the summary contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted under this ordinance with the following agencies, in the following amounts:

<u>Agency</u>	<u>Amount</u>
AIDS Taskforce of Greater Cleveland	\$190,000.00
BlackOut Unlimited	49,500.00
Cleveland Treatment Center	193,500.00
Free Clinic of Greater Cleveland	40,000.00
HUMADAOP	55,500.00
Northeast Ohio Neighborhood Health Services	51,000.00
Recovery Resources	20,500.00
Regional Advisory Group Support	10,000.00

In addition, the sum of not more than \$87,514.00 is appropriated to the Department of Public Health for administrative costs of implementing this program and the sum of not more than \$120,142 is appropriated for the operation of the Disease Intervention Specialist Services Program conducted by the Department.

**Section 4.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2154-03.**

**By Council Member Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 116th Street to Buckeye E and A Limited Liability Corporation.**

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). 128-09-026, as more fully described below, to Buckeye E and A Limited Liability Corporation.

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

P. P. No. 128-09-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in Frank L. Crobaugh Allotment of part of Original One Hundred Acre Lot No. 427 as shown by the recorded plat in Volume 26 of Maps, Page 21 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 116th Street and extending back between parallel lines 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2160-03.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 3277 East 126th Street for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Mt. Pleasant Now Development Corporation, or its designee.**

Whereas, the Director of Community Development has requested the purchase of property which is located at 3277 East 126th Street, for future redevelopment; and

Whereas, the Director of Community Development has requested the sale of the property to Mt. Pleasant Now Development Corporation, or its designee (the "Redeveloper") for the public purpose of future redevelopment of the property; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in the Walton Bros. Mount Pleasant Allotment of part of Original 100 Acre Lot No. 445, as shown by the recorded plat in Volume 14 of Maps, Page 6 of Cuyahoga County

Records, and being 40 feet on the Easterly side of East 126th Street (formerly Treadwell Avenue) and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

The above is Permanent Parcel Number 130-05-048

3277 East 126th Street, Cleveland, Ohio 44120

**Section 2.** That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

**Section 3.** That the consideration to be paid for this property shall be one dollar (\$1.00) and other valuable considerations.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 14 SF 028.

**Section 5.** That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with the Redeveloper, for the acquisition, disposition and private redevelopment of the property described in this ordinance.

**Section 6.** That this Council finds that the conveyance to the Redeveloper constitutes a public use of the property for the purposes of redevelopment.

**Section 7.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property previously described in this ordinance to the Redeveloper, for not less than one dollar (\$1.00) taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 8.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 1, 2003.  
Effective December 3, 2003.

**Ord. No. 2162-03.**  
**By Council Members Gordon and Jackson (by departmental request).**  
**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Cleveland Neighborhood Development Coalition to provide economic development assistance to partially finance the administration of the Cleveland Industrial Retention Initiative during fiscal year 2003-2004.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with Cleveland Neighborhood Development Coalition to provide economic development assistance to partially finance the administration of the Cleveland Industrial Retention Initiative during fiscal year 2003-2004.

**Section 2.** That the costs of the grant shall not exceed \$376,000 and shall be paid from Fund No. 17 SF 652, Request No. 1073.

**Section 3.** That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

Passed December 1, 2003.  
 Effective December 3, 2003.

**Ord. No. 2408-03.**  
**By Council Members Coats and Jackson (by departmental request).**  
**An emergency ordinance to amend the title, and Sections 1, 2, and 3 of Ordinance No. 1521-02, passed October 14, 2002, relating to inspecting and assessing cycle E water tanks.**

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

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

**Section 1.** That the title, and Sections 1, 2, and 3 of Ordinance No. 1521-02, passed October 14, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to inspect and assess cycle E water tanks.

**Section 1.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to inspect and assess cycle E water tanks.

**Section 2.** The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public

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

**Section 3.** That the cost of the contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, and from the fund and subfunds to which are credited the proceeds of the sale of future waterworks revenue bonds which are authorized for this purpose, Request No. 132944.

**Section 2.** That the existing title, and Sections 1, 2, and 3 of Ordinance No. 1521-02, passed October 14, 2002, are repealed.

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

Passed December 1, 2003.  
 Effective December 3, 2003.

**COUNCIL COMMITTEE MEETINGS**

NO MEETINGS

**Index**

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

**AIDS**

Federal AIDS Prevention Program 2004 — grant — Ohio Department of Health (O 2149-03) ..... **2768**

**Board of Building Standards and Building Appeals**

Denison Avenue, 3219, (Ward 14) - James McVean, owner — appeal resolved on 12/3/03 (Doc. A-121-03) ..... 2761

East 143rd Street, 777, (a.k.a. 777-81 East 143rd Street), (Ward 10) - Eddie Clark, owner - appeal postponed on 12/3/03 (Doc. A-49-03)..... 2760

East 55th Street, 2235, (Ward 5) - Vocational Guidance Services, owner — appeal adopted on 12/3/03 (Doc. A-127-03)..... 2761

East 70th Street, 3388, (Ward 12) - Beal Bank SSB, owner — appeal resolved on 12/3/03 (Doc. A-105-03) ..... 2760

Lakeside Avenue, 1440, (Ward 13) - Cleveland Municipal School District, owner — appeal resolved on 12/3/03 (Doc. A-122-03)..... 2761

Medina Avenue, 8301, (Ward 7) - Jim Bellanca, owner — appeal adopted on 12/3/03 (Doc. A-104-03) ..... 2761

St. Clair Avenue, 13000, (Ward 10) - BMG Management Group, owner — appeal rescheduled to 1/14/04 on 12/3/03 (Doc. A-93-03)..... 2760

St. Clair Avenue, 708, (Ward 13) - Manchester Realty, LLC, owner — no action on 12/3/03 (Doc. A-102-03) ..... 2760

Wade Park Avenue, 8602, (Ward 7) - Preferred Builders of Solon, owner — appeal rescheduled to 12/17/03 on 12/3/03 (Doc. A-96-03) ..... 2760



West 130th Street, 4642, (a.k.a., 4638 & 4642 West 130th Street), (Ward 20) - Timothy R. Rowe, owner — appeal resolved on 12/3/03 (Doc. A-128-03).....	2761
West 44th Street, 2186, (Ward 17) - Agnes C. Lytle, owner — appeal resolved on 12/3/03 (Doc. A-124-03) .....	2761
West 48th Street, 1420, (Ward 14) - United Construction, owner — appeal resolved on 12/3/03 (Doc. A-126-03) .....	2761

**Board of Control — Finance Department**

Keys, locks and hardware — contract per Ord. 890-03 to Commercial Door Co., Inc., d.b.a., Cleveland Key Shop — Dept. of Finance (BOC Res. 722-03).....	2757
Sale of scrap, personal property and by-products — Report for November 2003 — Division of Purchases and Supplies (BOC Res. 730-03) .....	2759

**Board of Control — Motor Vehicle Maintenance Division**

Equipment, shop and diagnostic — contract per Ord. 1424-02 to Admiral Truck Parts, Inc. - Dept. of Public Service (BOC Res. 728-03) .....	2758
Equipment, shop and diagnostic — per Ord. 1424-02 — bids rejected — Dept. of Public Service (BOC Res. 729-03) .....	2759
Lubricants — contract per Ord. 805-03 to Frank Blackmon — Dept. of Public Service (BOC Res. 725-03) .....	2758
Lubricants — contract per Ord. 805-03 to Rice Oil Co., LLC — Dept. of Public Service (BOC Res. 724-03) .....	2758
Lubricants — contract per Ord. 805-03 to Universal Oil, Inc. — Dept. of Public Service (BOC Res. 726-03) .....	2758

**Board of Control — Public Service Department**

Equipment, shop and diagnostic — contract per Ord. 1424-02 to Admiral Truck Parts, Inc. - Division of Motor Vehicle Maintenance (BOC Res. 728-03).....	2758
Equipment, shop and diagnostic — per Ord. 1424-02 — bids rejected — Division of Motor Vehicle Maintenance (BOC Res. 729-03).....	2759
Lubricants — contract per Ord. 805-03 to Frank Blackmon — Division of Motor Vehicle Maintenance (BOC Res. 725-03) .....	2758
Lubricants — contract per Ord. 805-03 to Rice Oil Co., LLC — Division of Motor Vehicle Maintenance (BOC Res. 724-03) .....	2758
Lubricants — contract per Ord. 805-03 to Universal Oil, Inc. — Division of Motor Vehicle Maintenance (BOC Res. 726-03) .....	2758
Refuse packer body, 25-cubic yards — per Ord. 1845-02 — all bids rejected (BOC Res. 727-03) .....	2758

**Board of Control — Public Utilities Department**

Batteries, storage replacement — contract per Ord. 1194-02 to Alpine Battery Co., Inc., d.b.a., Alpine Power Systems — Office of Radio Communications (BOC Res. 723-03).....	2757
--	------

**Board of Control — Purchases and Supplies Division**

Sale of scrap, personal property and by-products — Report for November 2003 — Dept. of Finance (BOC Res. 730-03) .....	2759
--	------

**Board of Control — Radio Communications Office**

Batteries, storage replacement — contract per Ord. 1194-02 to Alpine Battery Co., Inc., d.b.a., Alpine Power Systems — Dept. of Public Utilities (BOC Res. 723-03).....	2757
---	------

**Board of Control — Requirement Contracts**

Batteries, storage replacement — contract per Ord. 1194-02 to Alpine Battery Co., Inc., d.b.a., Alpine Power Systems — Office of Radio Communications, Dept. of Public Utilities (BOC Res. 723-03) .....	2757
Keys, locks and hardware — contract per Ord. 890-03 to Commercial Door Co., Inc., d.b.a., Cleveland Key Shop — Dept. of Finance (BOC Res. 722-03).....	2757
Lubricants — contract per Ord. 805-03 to Frank Blackmon — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 725-03).....	2758
Lubricants — contract per Ord. 805-03 to Rice Oil Co., LLC — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 724-03).....	2758
Lubricants — contract per Ord. 805-03 to Universal Oil, Inc. — Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 726-03).....	2758

**Board of Control — Standard Purchase Contracts**

Equipment, shop and diagnostic — contract per Ord. 1424-02 to Admiral Truck Parts, Inc. - Division of Motor Vehicle Maintenance, Dept. of Public Service (BOC Res. 728-03) .....	2758
--	------

**Board of Zoning Appeals — Report**

Adelaide Avenue, 10231, (Ward 18) - Nicholas Karnavas, owner — appeal granted and adopted on 12/8/03 (Cal. 03-260) .....	2760
Bridge Avenue, 4428, (Ward 13) - Eric Fritz, owner, and Mary Jo Stuart, tenant — appeal heard on 12/8/03 (Cal. 03-316) .....	2760

East 126th Street, 3304, (Ward 4) – Mt. Pleasant Church of God, owner, c/o Brother Leroy Moore and Dan Bickerstaff, agent — appeal heard on 12/8/03 (Cal. 03-310).....	2760
East 126th Street, 3316, (Ward 4) – Mt. Pleasant Church of God, owner, c/o Brother Leroy Moore and Dan Bickerstaff, agent — appeal dismissed on 12/8/03 (Cal. 03-311).....	2760
East 33rd Street, 2207, (Ward 5) – Cellie Pittman, owner — appeal heard on 12/8/03 (Cal. 03-287).....	2760
East 82nd Street, 1584, (Ward 7) – Gregory Neal, owner — appeal postponed to 1/12/04 on 12/8/03 (Cal. 03-272).....	2760
Gaylord Avenue, 9616, (Ward 2) – Robert Lanier, owner — appeal heard on 12/8/03 (Cal. 03-289).....	2760
Hamilton Avenue, 2600, (Ward 13) – Fleck & Associates, Inc., c/o Charles Fleck — appeal heard on 12/8/03 (Cal. 03-292).....	2760
Ira Avenue, 5515, (Ward 16) – Cleveland Public Schools, owner, c/o Kelly Peecook, agent - appeal heard on 12/8/03 (Cal. 03-317).....	2760
Lorain Avenue, 15235, (Ward 21) – Tomken Inc., c/o Tom Ganley, owner — appeal heard on 12/8/03 (Cal. 03-302).....	2760
Lorain Avenue, 15310, (Ward 21) – Ganley Real Estate Company, c/o Tom Ganley, owner - appeal heard on 12/8/03 (Cal. 03-303).....	2760
Miles Avenue, 16107, (Ward 1) – New Jerusalem Church c/o Pastor Stanley Lockhart, owner - appeal heard on 12/8/03 (Cal. 03-312).....	2760
Trowbridge Avenue, 3731, (Ward 14) – Anne Votruba, owner — appeal denied and adopted on 12/8/03 (Cal. 03-304).....	2760
West 101st Street, 3132, (Ward 18) – Melvin Smith, owner — appeal granted and adopted on 12/8/03 (Cal. 03-305).....	2760

#### Board of Zoning Appeals — Schedule

Governor Avenue, 11604, (Ward 19) – George M. Greenawalt, owner — appeal to be heard on 12/22/03 (Cal. 03-325).....	2759
Lorain Avenue, 13540, (Ward 20) – Elizabeth Hlavinka, owner and Robert Gonzales, prospective tenant — appeal to be heard on 12/22/03 (Cal. 03-324).....	2759
Lorain Avenue, 9410-14, (Ward 18) – Albert Coreno, owner and Yousif Hamdeh, tenant - appeal to be heard on 12/22/03 (Cal. 03-314).....	2759
Triskett Road, 15255, (Ward 21) – Ohio Leitina Company, c/o Charles Mills, owner, and prospective purchaser, Family Video c/o Brent Conley, agent — appeal to be heard on 12/22/03 (Cal. 03-275).....	2759
West 88th Street, 3265, (Ward 18) – Robert E. Mosack, owner — appeal to be heard on 12/22/03 (Cal. 03-322).....	2759

#### Camp George L. Forbes

Summer Food Program, 2004 — grant (O 2043-03).....	2767
--	------

#### City of Cleveland Bids

Cab / chassis with 25-cubic yard refuse packer body — Department of Public Service - Division of Traffic Engineering — per Ord. 1845-02 — bid due January 2, 2004 (advertised 12/10/2003 and 12/17/2003).....	2762
Fire extinguishers — Department of Finance — per Ord. 2023-03 — bid due January 2, 2004 (advertised 12/10/2003 and 12/17/2003).....	2762
Pavement marking — Department of Public Service — Division of Traffic Engineering — per Ord. 371-03 — bid due January 2, 2004 (advertised 12/10/2003 and 12/17/2003).....	2762
Truck and car washing and waxing — Department of Public Utilities — Division of Cleveland Public Power — per Ord. 233-03 — bid due January 2, 2004 (advertised 12/10/2003 and 12/17/2003).....	2762

#### City Council

Responsible Fatherhood — Mayor's Task Force — create (O 908-03).....	2763
--	------

#### City Planning Commission

Pedestrian retail overlay (PRO) district — amend Sec. 343.23 (O 1809-03).....	2764
---	------

#### Cleveland Clinic Foundation

Hospitals closing — urging administration to investigate — possible violations — Chapter 686 (R 2412-03).....	2763
---	------

#### Cleveland Public Power

Electric and gas disconnection — moratorium — until April 15, 2004 — Cleveland Public Power — The Illuminating Company and Dominion East Ohio Gas (R 2409-03).....	2762
--	------

#### Cleveland Public Schools

Responsible Fatherhood — Mayor's Task Force — create (O 908-03).....	2763
--	------

**Codified Ordinances**

Pedestrian retail overlay (PRO) district — amend Sec. 343.23 (O 1809-03)..... **2764**

**Community Development**

E. 116th St. — Land Reutilization Program — E. and A. Northeast Limited Partnership (O 2154-03)..... **2769**  
 E. 126th St., 3277 — purchase — future redevelopment — convey the property — Mt. Pleasant Now Development Corporation (O 2160-03) ..... **2769**  
 Hecker Ave. — Land Reutilization Program — Billy Stuart (O 1712-03) ..... **2764**  
 Phillips Ave. — Land Reutilization Program — Gary Warner and Gilliam Robinson-Warner (O 2044-03)..... **2767**  
 Union Ave. — Land Reutilization Program — Robert Kirkman (O 1935-03) ..... **2766**  
 W. 20th St. — Land Reutilization Program — Klein-Barrabas, LLC. (O 1934-03)..... **2766**

**Community Relations Board**

Responsible Fatherhood — Mayor's Task Force — create (O 908-03) ..... **2763**

**Contracts**

U.S. Department of Veterans Affairs — Contract No. 53628 — medical services — McCafferty Health Center (O 2148-03) ..... **2768**

**Dominion East Ohio**

Electric and gas disconnection — moratorium — until April 15, 2004 — Cleveland Public Power — The Illuminating Company and Dominion East Ohio Gas (R 2409-03)..... **2762**

**Economic Development Department**

Brownfields — economic development planning — grant — U.S. Department of Housing and Urban Development (O 1931-03) ..... **2765**  
 Cleveland Neighborhood Development Coalition — grant agreement — Cleveland Industrial Retention Initiative during fiscal year 2003-2004 (O 2162-03) ..... **2770**

**Grants**

Brownfields — economic development planning — U.S. Department of Housing and Urban Development (O 1931-03)..... **2765**  
 Summer Food Program, 2004 — Camp George L. Forbes (O 2043-03)..... **2767**

**Health Department**

Federal AIDS Prevention Program 2004 — grant — Ohio Department of Health (O 2149-03) ..... **2768**  
 Responsible Fatherhood — Mayor's Task Force — create (O 908-03) ..... **2763**  
 U.S. Department of Veterans Affairs — Contract No. 53628 — medical services — McCafferty Health Center (O 2148-03) ..... **2768**

**Hospitals**

Hospitals closing — urging administration to investigate — possible violations — Chapter 686 (R 2412-03) ..... **2763**

**Land Reutilization Program**

E. 116th St. — E. and A. Northeast Limited Partnership (O 2154-03)..... **2769**  
 Hecker Ave. — Billy Stuart (O 1712-03) ..... **2764**  
 Phillips Ave. — Gary Warner and Gilliam Robinson-Warner (O 2044-03)..... **2767**  
 Union Ave. — Robert Kirkman (O 1935-03) ..... **2766**  
 W. 20th St. — Klein-Barrabas, LLC. (O 1934-03)..... **2766**

**Liquor Permits**

Miles Ave., 11334 — objection — withdraw (Ward 2) (R 2411-03) ..... **2763**  
 St. Clair Ave., 18414-16 — objection — withdraw (Ward 11) (R 2410-03) ..... **2762**

**Mayor's Office**

Responsible Fatherhood — Mayor's Task Force — create (O 908-03) ..... **2763**

**Ohio Department of Public Health**

Federal AIDS Prevention Program 2004 — grant (O 2149-03)..... **2768**

**Parks, Recreation and Properties Department**

Summer Food Program, 2004 — grant — Camp George L. Forbes (O 2043-03) .....	2767
West Side Market — approving the schedule of prices — various parts and sections (O 2091-03).....	2768

**Personnel Department**

Responsible Fatherhood — Mayor's Task Force — create (O 908-03) .....	2763
---	------

**Public Hearings (Notices)****Purchases and Supplies Division**

E. 126th St., 3277 — purchase — future redevelopment — convey the property — Mt. Pleasant Now Development Corporation (O 2160-03) .....	2769
--	------

**Resolutions - Miscellaneous**

Electric and gas disconnection — moratorium — until April 15, 2004 — Cleveland Public Power — The Illuminating Company and Dominion East Ohio Gas (R 2409-03).....	2762
Hospitals closing — urging administration to investigate — possible violations — Chapter 686 (R 2412-03) .....	2763

**Safety Department**

Responsible Fatherhood — Mayor's Task Force — create (O 908-03) .....	2763
---	------

**Task Force**

Responsible Fatherhood — Mayor's Task Force — create (O 908-03) .....	2763
---	------

**Utilities Department**

Cycle E water tanks — inspecting and assessing — amend Ord. 1521-02 (O 2408-03) .....	2770
---	------

**Ward 02**

Miles Ave., 11334 — objection — withdraw — liquor permit (R 2411-03).....	2763
---	------

**Ward 03**

E. 126th St., 3277 — purchase — future redevelopment — convey the property — Mt. Pleasant Now Development Corporation (O 2160-03) .....	2769
Union Ave. — Land Reutilization Program — Robert Kirkman (O 1935-03).....	2766

**Ward 06**

E. 116th St. — Land Reutilization Program — E. and A. Northeast Limited Partnership (O 2154-03).....	2769
---	------

**Ward 07**

Hecker Ave. — Land Reutilization Program — Billy Stuart (O 1712-03) .....	2764
---	------

**Ward 09**

Phillips Ave. — Land Reutilization Program — Gary Warner and Gilliam Robinson-Warner (O 2044-03).....	2767
--	------

**Ward 11**

St. Clair Ave., 18414-16 — objection — withdraw — liquor permit (R 2410-03).....	2762
--	------

**Ward 14**

W. 20th St. — Land Reutilization Program — Klein-Barrabas, LLC. (O 1934-03).....	2766
--	------

**Water Division**

Cycle E water tanks — inspecting and assessing — amend Ord. 1521-02 (O 2408-03) .....	2770
---	------

**West Side Market**

Schedule of prices - approve — various parts and sections (O 2091-03) .....	2768
---	------