

# The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Second, Two Thousand and Three

**Jane L. Campbell**  
Mayor

**Frank G. Jackson**  
President of Council

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

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

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PRESORTED STANDARD  
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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. Martinez, Law Librarian, Room 100

**DEPT. OF FINANCE** – Robert H. Baker, Director, Room 104;  
 Frank Badalamenti, Manager, Internal Audit  
**DIVISIONS:** Accounts – Alan Schneider, Commissioner, Room 19  
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
 City Treasury – Algeron Walker, Treasurer, Room 115  
 Financial Reporting and Control – James Gentile, Controller, Room 18  
 Information Technology and Services – James S. Higgins, Commissioner, 1404 East 9th Street  
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128  
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

**DEPT. OF PUBLIC UTILITIES** – Michael G. Konicek, Director, 1201 Lakeside Avenue  
**DIVISIONS** – 1201 Lakeside Avenue  
 Cleveland Public Power – James F. Majer, Commissioner  
 Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
 Utilities Fiscal Control – Dennis Nichols, Commissioner  
 Water – Julius Ciaccia, Jr., Commissioner  
 Water Pollution Control – Darnell Brown, Commissioner

**DEPT. OF PORT CONTROL** – John C. Mok, Director  
 Cleveland Hopkins International Airport, 5300 Riverside Drive  
 Burke Lakefront Airport – Khalid Bahhur, Commissioner  
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC SERVICE** – Mark Ricchiuto, Director, Room 113  
**DIVISIONS:** Architecture – Kurt Weibusch, Commissioner, Room 517  
 Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518  
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards  
 Streets – Randell T. Scott, Commissioner, Room 25  
 Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
 Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

**DEPT. OF PUBLIC HEALTH** – Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Ave.  
**DIVISIONS:** Air Quality – Commissioner  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.  
 Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

**DEPT. OF PUBLIC SAFETY** – James A. Draper, Director, Room 230  
**DIVISIONS:** Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
 Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue  
 Police – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

**DEPT. OF COMMUNITY DEVELOPMENT** – Linda M. Hudecek, Director, 3rd Floor, City Hall  
**DIVISIONS:** Administrative Services – Terrence Ross, Commissioner  
 Neighborhood Services – Louise V. Jackson, Commissioner  
 Neighborhood Development – Joseph A. Sidoti, Commissioner

**DEPT. OF BUILDING AND HOUSING** – James G. Williams, Director, Room 500  
**DIVISIONS:** Code Enforcement – Tyrone L. Johnson, Commissioner  
 Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

**DEPT. OF CONSUMER AFFAIRS** – Kenya Taylor, Director

**COMMUNITY RELATIONS BOARD** – Room 11, Jeffrey D. Johnson, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

**CIVIL SERVICE COMMISSION** – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

**SINKING FUND COMMISSION** – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members: Margreat Hopkins, Ozell Dobbins, Joan Shaver Washington, Christopher Carmody, Eugene Cranford, Jr., Secretary.

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

**BOARD OF REVISION OF ASSESSMENTS** – Law Director Subodh Chandra, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

**BOARD OF SIDEWALK APPEALS** – Service Director Mark Ricchiuto; Law Director Subodh Chandra; Councilman Martin J. Sweeney.

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

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

**FAIR EMPLOYMENT WAGE BOARD** – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Leohr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, OCTOBER 22, 2003

No. 4689

## CITY COUNCIL

MONDAY, OCTOBER 20, 2003

### The City Record

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City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 20, 2003

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

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

Also present were Debra M. Jenik, Chief of Staff, Directors Baker, Konicek, Ricchiuto, Draper, N. Ronayne, Hudecek, Williams, Routen, Sims, Fumich, Taylor, Johnson, C. Ronayne, Acting Director Carroll, Assistant Directors Langhenry, Pettus, Deputy Director Nilson, Wisham, Chief Public Affairs Officer; Margaret Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Nathaniel Williams, of Christian Light Community Church, located at 3145 East 130th Street, Cleveland, Ohio 44105 in Ward 2. Pledge of Allegiance.

#### MOTION

On the motion of Council Member Lewis the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Sweeney.

#### COMMUNICATION

##### File No. 2061-03.

From the Division of Assessments and Licenses — application for outdoor pay phone. Received.

##### File No. 2062-03.

From the Cleveland Public Library — Director's Report, October 16, 2003. Received.

##### File No. 2063-03.

From the Village of Oakwood City Council — copy of Resolution No. 2003-55. Received.

##### File No. 2064-03.

From Lutheran Metropolitan Ministry — LMM 2002 Annual Report. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 2065-03.

Re: New Application — 5239273 — Little Puerto Rico Plaza, Inc. d.b.a. Little Puerto Rico Plaza, 3292 Fulton Road. (Ward 14). Received.

##### File No. 2066-03.

Re: New Application — 42488529 — Jasmin Beverage, Inc. d.b.a. Times Square Food Mart, 3832 Martin Luther King Jr. Dr. (Ward 2). Received.

##### File No. 2067-03.

Re: Transfer of Ownership Application — 4179637 — J. Major LLC d.b.a. Club Isabella Vina Note, 2025 Abington Road. (Ward 9). Received.

##### File No. 2068-03.

Re: Transfer of Ownership Application — 2720308 — Filomena, Inc., 2198 Murray Hill Road, first floor. (Ward 6). Received.

##### File No. 2069-03.

Re: Transfer of Ownership Application — 9116441 — 2 Wolves, Inc., 13429 Lakewood Heights Boulevard, first floor and basement excluding second floor. (Ward 19). Received.

##### File No. 2070-03.

Re: Transfer of Ownership Application — 42204200020 — Jacobs Investments Management Co., Inc. d.b.a. Powerhouse Dance Club, 2000 Sycamore Street, first floor, unit 100. (Ward 13). Received.

##### File No. 2071-03.

Re: Stock Transfer Application — 3640658 — Hartel, Inc. d.b.a. Grove-wood Tavern, 17103-07 Grovewood Avenue, first floor and basement. (Ward 11). Received.

**File No. 2072-03.**

Re: Stock Transfer Application — 7933934 — S. C. S. Enterprises, Inc. d.b.a. Marbles Grill & Bar, 4829 Superior Avenue. (Ward 13). Received.

**File No. 2073-03.**

Re: Stock Transfer Application — 6362689 — New Gold, Inc. d.b.a. Double Exposure Bar & Deli, 3081 East 93rd Street. (Ward 4). Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 2074-03**—Donald L. Head, Sr.

**Res. No. 2075-03**—Lura Merriweather.

**Res. No. 2076-03**—Judge Frank G. O'Bell.

**Res. No. 2077-03**—Shakira Johnson.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 2078-03**—Pastor Abraham Jeter, Jr.

**Res. No. 2079-03**—Elvin R. Jones.

**Res. No. 2080-03**—William T. Boyd Lodge #79.

**Res. No. 2081-03**—Hungarian Businessmen & Tradesmen's Club.

**Res. No. 2082-03**—Rev. Myron Prok.

**Res. No. 2083-03**—Rev. Jim Herbolzheimer.

**Res. No. 2084-03**—Center for Education and Research in Cosmology, and Astrophysics.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 2085-03**—Iris E. Anderson.

**Res. No. 2086-03**—Herb Thomas.

**APPRECIATION RESOLUTION**

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

**Res. No. 2087-03**—Rev. Larry L. Harris, Sr.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 2019-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of fasteners, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of fasteners in the approximate amount as purchased during the preceding term, purchased by the Commissioner of

Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104769)

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

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

**Ord. No. 2020-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of lamps, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of lamps in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years

instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104769)

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

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

**Ord. No. 2021-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of miscellaneous-sized steel plates, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of miscellaneous-sized steel plates in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104774)

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

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

**Ord. No. 2022-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of paper and cloth wipers, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of paper and cloth wipers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104772)

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

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

**Ord. No. 2023-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to refill, repair and replace fire extinguishers, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to refill, repair and replace fire extinguishers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104773)

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

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

**Ord. No. 2024-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of pre-sort mail service, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of pre-sort mail service in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104770)

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

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

**Ord. No. 2025-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of dry cell batteries, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of dry cell batteries in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104767)

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

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

**Ord. No. 2026-03.**  
**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of paint and paint supplies, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of paint and paint supplies in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104768)

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

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

**Ord. No. 2027-03.**  
**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of janitorial supplies in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 104771)

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

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

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

**Ord. No. 2028-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into an Agreement with Hopkins Transportation Services, Inc. for the operation of a shuttle bus service between the employee parking lots and the Terminal Building at Cleveland Hopkins International Airport, for a term of five years, with one option to extend the term for an additional five years.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into an Agreement with Hopkins Transportation Services, Inc. ("Contractor") for the operation of a shuttle bus service between the employee parking lots and the Terminal Building at Cleveland Hopkins International Airport. The term of the Agreement shall be for five years, commencing on the effective date of the Agreement, with one option, exercisable by the Director of Port Control, to extend the term for an additional five-years. The Agreement shall be cancelable on thirty-days written notice by the Director.

**Section 2.** That Contractor shall pay the City the following rent per year during the initial five-year term:

Year One	\$1,365,696
Year Two	\$1,365,696
Year Three	\$1,427,723
Year Four	\$1,466,795
Year Five	\$1,507,044

The Agreement shall state that if the option to extend the term of the Agreement for an additional five years is exercised, then the rent for the option period shall be negotiated at that time.

**Section 3.** That all shuttle buses will be maintained and supplied by Contractor and that all shuttle buses will have a minimum 13 passenger capacity.

**Section 4.** That the Agreement authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 2029-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into an Agreement with Standard Parking, Inc. for the operation of a shuttle bus service between the Consolidated Rental Car Facility and the Terminal Building at Cleveland Hopkins International Airport, for a term of five years, with one option to extend the term for an additional five years.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into an Agreement with Standard Parking, Inc. ("Contractor") for the operation of a shuttle bus service, between the Consolidated Rental Car Facility and the Terminal Building at Cleveland Hopkins International Airport. The term of the Agreement shall be for five years, commencing on the effective date of the Agreement, with one option, exercisable by the Director of Port Control, to extend the term of the Agreement for an additional five years. The Agreement shall be cancelable on thirty-days written notice by the Director.

**Section 2.** That Contractor shall pay the City the following rent per year during the initial five-year term:

Year One	\$2,639,464
Year Two	\$2,930,969
Year Three	\$3,057,978
Year Four	\$3,217,481
Year Five	\$3,360,197

The Agreement shall state that if the option to extend the term of the Agreement for an additional five years is exercised, then the rent for the option period shall be negotiated at that time.

**Section 3.** That all shuttle buses will be maintained and supplied by Contractor and that all shuttle buses will be the EZ Rider II low Floor Transit Bus with a minimum of 23 passenger capacity or comparable design and passenger capacity.

**Section 4.** That the Agreement authorized shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 2030-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary for painting and paint removal on roadways, runways and other paved surfaces in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 139913)

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

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

**Ord. No. 2031-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to remove rubber and any other contaminants from paved surfaces, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make

one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to remove rubber and any other contaminants from paved surfaces in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 139912)

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

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

**Ord. No. 2032-03.**  
**By Council Member Westbrook. An emergency ordinance to vacate a portion of West 92nd Street**

Whereas, on the 12th day of May, 2003, the Council of the City of Cleveland adopted Resolution No. 566-03 declaring its intention to vacate a portion of West 92nd Street; and

Whereas, notice of the adoption of the above has been served upon the abutting property owners affected by the resolution, notifying the property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 7th day of October, 2003, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council; is satisfied that there is good cause for vacating portions of the above and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and described as being all that portion of West 92nd Street (14.00 feet wide) and its associated turnouts extending Southerly from the Southerly line of Keith Court (12.00 feet wide) now vacated by the Council of the City of Cleveland by Ordinance Number 645-99, about 70.00 feet to the Northerly line of the North Marginal Roadway of the I-90 Freeway, be and the same is hereby vacated.

**Section 2.** That the Clerk of Council is directed to notify the Auditor of Cuyahoga County of the vacation described in this ordinance by sending him a copy of this ordinance.

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

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

**Ord. No. 2033-03.**

**By Council Member Westbrook.**  
**An emergency ordinance to vacate a portion of Stanhope Court, N.W.**

Whereas, on the 12th day of May, 2003, the Council of the City of Cleveland adopted Resolution No. 183-03 declaring its intention to vacate a portion of Stanhope Court N.W.; and

Whereas, notice of the adoption of the above has been served upon the abutting property owners affected by the resolution, notifying the property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 7th day of October, 2003, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating portions of the above and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and described as being all that portion of:

Stanhope Court N.W., (12.00 feet wide) extending Westerly from the Westerly line of West 91st Street, 125.00 feet be and the same is hereby vacated.

**Section 2.** That the Clerk of Council is directed to notify the Auditor of Cuyahoga County of the vacation described in this ordinance by sending him a copy of this ordinance.

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

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

**Ord. No. 2034-03.**

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

**An emergency ordinance to vacate a portion of Belvidere Avenue and East 56th Place**

Whereas, on the 12th day of May, 2003, the Council of the City of Cleveland adopted Resolution No. 565-03 declaring its intention to vacate a portion of Belvidere Avenue and East 56th Place; and

Whereas, notice of the adoption of the above has been served on the abutting property owners affected by the resolution, notifying the property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 7th day of October, 2003, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating portions of the above and that it will not be detrimental to the general interest and ought to be made; and

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

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

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

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

BELVIDERE AVENUE: N.E. (20.00 feet wide) from East 56th Place to East 60th Street. AND

EAST 56TH PLACE (12.50 feet wide) from Belvidere Avenue N.E. to Hough Avenue N.E., be and the same is hereby vacated.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as above described for existing SBC equipment.

That no structures shall be erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by SBC and the City of Cleveland.

**Section 3.** That the Clerk of Council is directed to notify the Auditor of Cuyahoga County of the vacation described in this ordinance by sending him a copy of this ordinance.

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

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

**Ord. No. 2035-03.**

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

**An emergency ordinance to vacate a portion of Penn Court, N.W.**

Whereas, on the 2nd day of June, 2003, the Council of the City of Cleveland adopted Resolution No. 995-03 declaring its intention to vacate a portion of Penn Court, N.W.; and

Whereas, notice of the adoption of the above has been served on the abutting property owners affected by the resolution, notifying the property owners of the time and place at which objections can be heard before the Board of Revision of Assessments; and

Whereas, on the 7th day of October, 2003, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating portions of the above and that it will not be detrimental to the general interest and ought to be made; and

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

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

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

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

PENN COURT N.W. (16.00 feet wide) extending Southeastly from the Southeastly line of Fulton Road N.W. (66.00 feet wide) to the Northwesterly prolongation of a line parallel with and distant 25.00 feet Westerly by rectangular measurement with the Northeasterly line of Sublot Number 310 in Barber and Lord Subdivision as shown by the recorded plat in Volume 11, Page 26 of Cuyahoga County Records, be and the same is hereby vacated.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as above described for existing Cleveland Public Power and Dominion of East Ohio Gas equipment.

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

**Section 3.** That the Clerk of Council is directed to notify the Auditor of Cuyahoga County of the vacation described in this ordinance by sending him a copy of this ordinance.

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

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

**Ord. No. 2036-03.**

**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 Cuyahoga County Board of Health for the 2004 Tobacco Control 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 \$50,000, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2004 Tobacco Control 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 the funds are appropriated for the purposes in summary for the grant.

**Section 2.** That the summary for the grant, File No. 2036-03-A, made a part hereof as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

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

**Ord. No. 2037-03.**

**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 Cuyahoga County Board of Health for the 2004 Cardiovascular Disease 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 \$64,723, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2004 Cardiovascular Disease Program, for the

purposes in the summary and budget 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 set forth in summary and budget for the grant.

**Section 2.** That the summary and budget for the grant, File No. 2037-03-A, made a part as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

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

**Ord. No. 2038-03.**

**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 Cuyahoga County Board of Health for the 2004 Immunization Action Plan 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 \$119,656, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2004 Immunization Action Plan Program, for the purposes in the summary and budget 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 and budget for the grant.

**Section 2.** That the summary and budget for the grant, File No. 2038-03-A, made a part as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

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

**Ord. No. 2039-03.**

**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 2004 Ohio Department of Health for the STD Control 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 \$188,490, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2004 STD Control Program, for the purposes in the summary and budget 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 and budget for the grant.

**Section 2.** That the summary and budget for the grant, File No. 2039-03-A, made a part as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

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

**Ord. No. 2040-03.**

**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 Cuyahoga County Solid Waste District for the 2004 Solid Waste Disposal 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 \$92,314, and other such funds as they may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 2004 Solid Waste Disposal Program, for the purposes in the award letter and 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 award letter and summary for the grant.

**Section 2.** That the award letter and summary for the grant, File No. 2040-03-A, made a part as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

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

**Ord. No. 2041-03.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, for the 2004 EMS Training Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$67,604, from the Ohio Department of Public Safety, to conduct the 2004 EMS Training Grant, for the purposes in the application and according thereto; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

**Section 2.** That the application for the grant, File No. 2041-03-A, made a part as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$22,802, from Fund No. 01-600401-639905, is approved in all respects.

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

**Section 4.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and training necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Finance. 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 determines. Alternate bids for a period less than the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

That the cost of the contract or contracts shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, from the cash match, and from 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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 2042-03.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease City-owned property located in Wade Park, which includes a maintenance facility, to the Cleveland Museum of Art, for a term not to exceed ninety-nine years, with one option to extend the term for an additional ninety-nine years; authorizing the Director of Public Service to employ one or more professional consultants to design a new maintenance facility to be located in Rockefeller Park; determining the method of making the public improvement of constructing the new facility; and authorizing the director to enter into one or more public improvement contracts for the making of the improvement.**

Whereas, the City of Cleveland owns certain property located in Wade Park, which is suitable for lease and operation by another party for a public use, that contains a maintenance facility; and

Whereas, the Cleveland Museum of Art has proposed to lease the property, which would include the use of the maintenance facility, from the City of Cleveland; and

Whereas, the Cleveland Museum of Art would use the maintenance facility and maintain the property surrounding the maintenance facility for park purposes until its renovations are complete, and

Whereas, after its renovations are complete, the Cleveland Museum of Art will demolish the maintenance facility, and maintain the entire property for park purposes; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Cleveland Museum of Art ("Lessee"), certain City-owned property located in Wade Park, to use the maintenance facility

during its renovations to the museum and to maintain the rest of the property for park purposes. The property to be leased is described as follows:

**Legal Description of Property to Be Leased to the Cleveland Museum of Art**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Part of Original 100 Acre Lots Number 394 and 402 and further described as follows:

Beginning at the intersection of the Southerly Line of Jephtha Drive and the Westerly line of property belonging to the Cleveland Museum of Art as shown on a survey by Hofmann-Metzker, Inc. dated Revised August, 2002 under the direction of George A. Hofmann, P.S. 6752;

Thence Southerly, Easterly and Southerly along said Westerly property line to its intersection with the proposed Southerly line of property to be leased to the Cleveland Museum of Art as shown on said survey;

Thence Westerly along said proposed Southerly line to its intersection with the Easterly line of Martin Luther King Jr. Drive;

Thence Northerly along said Easterly line to its intersection with the Southerly line of Jephtha Drive aforesaid;

Thence Easterly along said Southerly line to the Place of Beginning.

**Section 2.** That the term of the lease authorized above shall not exceed ninety-nine years, with one option, exercisable by the Director of Parks, Recreation and Properties, to extend the term for an additional ninety-nine years.

**Section 3.** That the property described above shall be leased for a one-time lump sum payment of One Million Dollars (\$1,000,000.00) due to the City of Cleveland within one hundred and eighty (180) days after the lease is executed.

**Section 4.** That the lease may authorize the Lessee to make improvements to the leased premises, and to demolish the maintenance facility, to make improvements to the leased premises, and to demolish the maintenance facility, subject to the approval of appropriate City agencies and officials, and to demolish the maintenance facility.

**Section 5.** That the Director of Parks, Recreation and Properties shall have authority to enter into a limited release and conveyance of certain restrictive covenants on real property located within the Wade park area relating to building set back and height restrictions that are more restrictive than the current zoning code.

**Section 6.** That the lease shall be prepared by the Director of Law and shall contain terms and conditions that the director deems necessary to protect and benefit the public interest.

**Section 7.** That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 8.** That the Director of Public Service 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 design a new maintenance facility located in Rockefeller Park (the "Improvement").

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Service from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Service 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 Service, and certified by the Director of Finance.

**Section 9.** That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement above by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

**Section 10.** That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate Improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

**Section 11.** That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 20 SF 191, 20 SF 300, 20 SF 310, 20 SF 320, 20 SF 331, 20 SF 340, 20 SF 183, 20 SF 351, 20 SF 362, 20 SF 371, 20 SF 381, 20 SF 391, 11 SF 006, 01-400100-693000, and from the fund or funds which are credited the lease proceeds received under this ordinance, Request No. 115296.

**Section 12.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**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.

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

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

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

**Ord. No. 2046-03.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6107 Quimby Avenue to Bernard Lemon and Eloise Lemon.**

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). 104-21-091, as more fully described below, to Bernard Lemon and Eloise Lemon.

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

P. P. No. 104-21-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 340, and bounded and described as follows:

Beginning at a point on the Northerly line of Quimby Avenue, N.E., 1055 feet Easterly from the Easterly line of East 55th Street, (formerly Willson Avenue); thence Easterly along the Northerly line of Quimby Avenue, N.E., 35 feet; thence Northerly parallel with East 55th Street, 140 feet; thence Westerly parallel to Quimby Avenue, 35 feet; thence Southerly parallel with East 55th Street, 140 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain

such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 2047-03.**

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

**An emergency ordinance to amend the title, the third whereas clause, and Section 3 of Ordinance No. 935-02, passed June 10, 2002, relating to an Enterprise Zone Agreement to renovate space at 11801-11 Buckeye Road.**

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

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

**Section 1.** That the title, the third whereas clause, and Section 3 of Ordinance No. 935-02, passed June 10, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with **Weizer, L.P.** to provide for a ten year sixty percent abatement for certain tangible, personal property and real estate taxes as an incentive to renovate space at 11801-11 Buckeye Road, located in the Cleveland Area Enterprise Zone.

Whereas, **Weizer, L.P.** (the "Enterprise") has proposed to renovate space located at 11801-11 Buckeye Road, and all other associated costs to redevelop the property located in Cleveland, Ohio; and

Section 3. That the terms of the tax abatement shall be in accordance with the terms as set forth in the Summary contained in File No. **935-02-B**. The terms of the file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

**Section 2.** That the existing title, the third whereas clause, and Section 3 of Ordinance No. 935-02, passed June 10, 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.

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

**Ord. No. 2048-03.**  
By Council Members Britt, Gordon and Jackson (by departmental request).

An emergency ordinance to amend the title, and Sections 1 and 2 of Ordinance No. 934-02, passed June 10, 2002, relating to a loan and grant agreement to provide economic development assistance to partially finance the renovation of real property located at 11801-11 Buckeye Road.

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

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

**Section 1.** That the title, and Sections 1 and 2 of Ordinance No. 934-02, passed June 10, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a loan and grant agreement with **Weizer, L.P.** to provide economic development assistance to partially finance the renovation of real property located at 11801-11 Buckeye Road, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio.

Section 1. That the Director of Economic Development is authorized to enter into a loan and grant agreement with **Weizer, L.P.** to provide economic development assistance to partially finance the renovation of real property located at 11801-11 Buckeye Road, and all other associated costs necessary to redevelop the property, located in Cleveland, Ohio (the "Improvement").

Section 2. That the terms of the loan and grant shall be in accordance with the terms as set forth in the Summary contained in File No. 934-02-B.

**Section 2.** That the existing title, and Sections 1 and 2 of Ordinance No. 934-02, passed June 10, 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.

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

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 2049-03.**  
By Council Members Westbrook, Sweeney, Cimperman and Jackson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the public purpose of street widening at West 117th Street and Western Avenue.

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

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

**Section 1.** That for the public purpose of street widening at West 117th Street and Western Avenue, it is necessary to appropriate in fee

simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property:

**PARCEL NO. 3WD  
WESTERN AVENUE**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Sublot No. 705 in The Conger-Helper Realty Company's Lorain Heights Subdivision No. 2 of part of Original Brooklyn Township Lot Nos. 6, 7 and 8, as shown by the recorded plat in Volume 57 of Maps, Page 22 of Cuyahoga County Records, and is bounded and described as follows:

Beginning at an existing stone monument with a drill hole found at the intersection of the centerline of Western Avenue at Station 15+64.67 with the centerline of West 115th Street;

Thence South 89° 41' 45" West, along said centerline of Western Avenue, 269.42 feet to the intersection of the centerline of West 116th Street;

Thence South 89° 41' 45" West, continuing along the centerline of Western Avenue, 25.00 feet to the prolongation northerly of the Westerly sideline of said West 116th Street;

Thence South 00° 18' 15" East, along said prolongation, 30.00 feet to its intersection with the Southerly right of way line of Western Avenue, being also the Northeast corner of Sublot No. 705 of said Subdivision, said point being 30.00 feet RIGHT of Station 12+70.25 and further being the TRUE PLACE OF BEGINNING;

Thence South 00° 18' 15" East, along said Westerly right of way line of West 116th Street, 35.00 feet to a point of curvature 65.00 feet RIGHT of Station 12+70.25;

Thence on the arc of a curve deflecting to the left (the radius of which is 20.00 feet with a central angle of 90° 00' 00", and the chord of which bears North 45° 18' 15" West, and is 28.28 feet in length), 31.42 feet to a point 45.00 feet RIGHT of Station 12+50.25;

Thence South 89° 41' 45" West, 20.00 feet to a point in the Easterly line of land conveyed to Cynthia L. Eckstein and John Eckstein by instrument recorded in Volume 95-08621, Page 52 of the Cuyahoga County Records, said point also being in the Easterly line of Sublot No. 706, said point being 45.00 feet RIGHT of Station 12+30.25;

Thence North 00° 18' 15" West, along said Easterly line of Sublot No. 706, 15.00 feet to a point in the above said Southerly right of way line of Western Avenue and the Northerly line of Sublot No. 705, said point being 30.00 feet RIGHT of Station 12+30.25;

Thence North 89° 41' 45" East, along said Southerly right of way line of Western Avenue, 40.00 feet to the TRUE PLACE OF BEGINNING and containing 0.0157 acres of land, (686 square feet) as calculated and described in November, 2002 by Richard J. Bilski, Ohio Professional Surveyor No. 5244 of CT Consultants, Inc., Registered Engineers and Surveyors.

Grantor claims title by instrument recorded in Volume 97-11169, Page 48 of the Cuyahoga County Records.

The above-described area is to be deleted out of Cuyahoga County Auditor's Parcel No. 005-07-122.

Grantor reserves the right of ingress and egress to and from all residual areas.

Bearings used herein are based upon observations to existing Cleveland Regional Geodetic Survey monuments OM0415 and OM1101.

**"EXHIBIT A"  
PARCEL NO. 2E  
WESTERN AVENUE**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Sublot No. 708 in The Conger-Helper Realty Company's Lorain Heights Subdivision No. 2 of part of Original Brooklyn Township Lot Nos. 6, 7 and 8, as shown by the recorded plat in Volume 57 of Maps, Page 22 of Cuyahoga County Records, and is bounded and described as follows:

Beginning at an existing stone monument with a drill hole found at the intersection of the centerline of Western Avenue at Station 15+64.67 with the centerline of West 115th Street;

Thence South 89° 41' 45" West, along said centerline of Western Avenue, 269.42 feet to the intersection of the centerline of West 116th Street;

Thence South 89° 41' 45" West, continuing along said centerline of Western Avenue, 65.00 feet to a point;

Thence South 00° 18' 15" East, 30.00 feet to a point of intersection of the Southerly right of way line of Western Avenue with the westerly line of land conveyed to Cynthia L. Eckstein, Trustee, by instrument recorded in Volume 97-11169, Page 48 of the Cuyahoga County Records, being also the northwest corner of Sublot No. 705 of said Subdivision, said point being 30.00 feet RIGHT of Station 12+30.25;

Thence South 89° 41' 45" West, along said Southerly right of way line of Western Avenue, 80.00 feet to the northwest corner of Sublot No. 707, said point being 30.00 feet RIGHT of Station 11+50.25;

Thence South 00° 18' 15" East, along said Westerly line of Sublot No. 707, 15.00 feet to a point 45.00 feet RIGHT of Station 11+50.25 and further being the TRUE PLACE OF BEGINNING;

Thence South 0° 18' 15" East, continuing along said Westerly line of Sublot No. 707, 25.00 feet to a point in the Northeast corner of land conveyed to Sandra L. Overko by instrument recorded in Volume 88-6277, Page 34 of the Cuyahoga County Records, being also the Northeast corner of Sublot No. 709, said point being 70.00 feet RIGHT of Station 11+50.25;

Thence South 89° 41' 45" West, along said Northerly line of Sublot No. 709, 110.86 feet to a point in the Easterly right of way line of West 117th Street, being also the Northwest corner of Sublot No. 709, said point being 70.00 feet RIGHT of Station 10+39.39;

Thence North 00° 11' 40" East, along said easterly right of way line of West 117th Street, 0.22 feet to a point of curvature 69.78 feet RIGHT of Station 10+39.39;

Thence on the arc of a curve deflecting to the right (the radius of which is 25.00 feet with a central angle of 89° 30' 05", and the chord of which bears North 44° 56' 43" East, and is 35.20 feet in length), 39.05 feet to a point 45.00 feet RIGHT of Station 10+64.39;

Thence North 89° 41' 45" East, 85.86 feet to the TRUE PLACE OF BEGINNING and containing 0.0605 acres of land, (2,637 square feet) as calculated and described in November, 2002 by Richard J. Bilski, Ohio Professional Surveyor No. 5244 of CT Consultants, Inc., Registered Engineers and Surveyors.

Grantor claims title by instrument recorded in Volume 95-08621, Page 52 of the Cuyahoga County Records.

The above-described area is part of Cuyahoga County Auditor's Parcel No. 005-07-001.

Bearings used herein are based upon observations to existing Cleveland Regional Geodetic Survey monuments OM0415 and OM1101.

**"EXHIBIT A"  
PARCEL NO. 1WD  
WESTERN AVENUE**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Brooklyn Township Lot No. 8, and is bounded and described as follows:

Beginning at an existing stone monument with a drill hole found at the intersection of the centerline of Western Avenue at Station 15+64.67 with the centerline of West 115th Street;

Thence South 89° 41' 45" West, along said centerline of Western Avenue, 524.41 feet to a point being also North 89° 41' 45" East, 40.26 feet from the centerline of West 117th Street (60 feet wide);

Thence North 00° 18' 15" West, 30.00 feet to the intersection of the Northerly right of way line of Western Avenue with the easterly right of way line of West 117th Street, said point being 30.00 feet LEFT of Station 10+40.26 and further being the TRUE PLACE OF BEGINNING;

Thence North 00° 11' 40" East, along said Easterly right of way line of West 117th Street, 25.22 feet to a point of curvature 55.22 feet LEFT of Station 10+40.48;

Thence on the arc of a curve deflecting to the left (the radius of which is 25.00 feet with a central angle of 90° 29' 55", and the chord of which bears South 45° 03' 17" East, and is 35.51 feet in length), 39.49 feet to a point in the above said Northerly right of way line of Western Avenue, said point being 30.00 feet LEFT of Station 10+65.48;

Thence South 89° 41' 45" West, along said Northerly right of way line of Western Avenue, 25.22 feet to the TRUE PLACE OF BEGINNING and containing 0.0031 acres of land, (137 square feet) as calculated and described in November, 2002 by Richard J. Bilski, Ohio Professional Surveyor No. 5244 of CT Consultants, Inc., Registered Engineers and Surveyors.

Grantor claims title by instrument recorded in Volume 84-3529, Page 39 of the Cuyahoga County Records.

The above-described area is part of Cuyahoga County Auditor's Parcel No. 005-03-002.

Grantor reserves the right of ingress and egress to and from all residual areas.

Bearings used herein are based upon observations to existing Cleveland Regional Geodetic Survey monuments OM0415 and OM1101.

**"EXHIBIT A"  
PARCEL NO. 2WD  
WESTERN AVENUE**

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

Nos. 706, 707 and 708 in The Conger-Helper Realty Company's Lorain Heights Subdivision No. 2 of part of Original Brooklyn Township Lot Nos. 6, 7 and 8, as shown by the recorded plat in Volume 57 of Maps, Page 22 of Cuyahoga County Records, and is bounded and described as follows:

Beginning at an existing stone monument with a drill hole found at the intersection of the centerline of Western Avenue at Station 15+64.67 with the centerline of West 115th Street;

Thence South 89° 41' 45" West, along said centerline of Western Avenue, 269.42 feet to the intersection of the centerline of West 116th Street;

Thence South 89° 41' 45" West, continuing along the centerline of Western Avenue, 65.00 feet to a point;

Thence South 00° 18' 15" East, 30.00 feet to a point of intersection of the Southerly right of way line of Western Avenue with the Westerly line of land conveyed to Cynthia L. Eckstein, Trustee, by instrument recorded in Volume 97-11169, Page 48 of the Cuyahoga County Records, being also the Northwest corner of Sublot No. 705 of said Subdivision, said point being 30.00 feet RIGHT of Station 12+30.25 and further being the TRUE PLACE OF BEGINNING;

Thence South 00° 18' 15" East, along said Westerly line of land of Eckstein and Sublot No. 705, 15.00 feet to a point 45.00 feet RIGHT of Station 12+30.25;

Thence South 89° 41' 45" West, 165.86 feet to a point of curvature 45.00 feet RIGHT of Station 10+64.39;

Thence on the arc of a curve deflecting to the left (the radius of which is 25.00 feet with a central angle of 89° 30' 05", and the chord of which bears South 44° 56' 43" West, and is 35.20 feet in length), 39.05 feet to a point in the Easterly right of way line of West 117th Street, being also the Westerly line of Sublot No. 708, said point being 69.78 feet RIGHT of Station 10+39.39;

Thence North 00° 11' 40" East, along said Easterly right of way line of West 117th Street, 39.78 feet to a point of intersection with the above said Southerly right of way line of Western Avenue, being also the Northwest corner of Sublot No. 708, said point being 30.00 feet RIGHT of Station 10+39.74;

Thence North 89° 41' 45" East, along said Southerly right of way line of Western Avenue, 190.51 feet to the TRUE PLACE OF BEGINNING and containing 0.0686 acres of land, (2,990 square feet) as calculated and described in November, 2002 by Richard J. Bilski, Ohio Professional Surveyor No. 5244 of CT Consultants, Inc., Registered Engineers and Surveyors.

Grantor claims title by instrument recorded in Volume 95-08621, Page 52 of the Cuyahoga County Records.

The above-described area is to be deleted out of the following Cuyahoga County Auditor's Parcels:

0.0410 acres (1,790 square feet) out of Parcel No. 005-07-001

0.0138 acres (600 square feet) out of Parcel No. 005-07-124

0.0138 acres (600 square feet) out of Parcel No. 005-07-123

Grantor reserves the right of ingress and egress to and from all residual areas.

Bearings used herein are based upon observations to existing Cleveland Regional Geodetic Survey monuments OM0415 and OM1101.

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

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

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

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

**Ord. No. 2045-03.**

**By Council Members Gordon and Jackson (by departmental request).**  
An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland State University to provide an assessment of neighborhood community development activities.

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with Cleveland State University to provide an assessment of neighborhood community development activities.

**Section 2.** That the costs of the contract or contracts authorized shall not exceed \$75,000 and shall be paid from Fund Nos. 14 SF 028 and 14 SF 029, Request No. 125751.

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

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

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

**Ord. No. 2050-03.**

**By Council Member Jackson.**  
An emergency ordinance authorizing the Clerk of Council to cause payment of registration fees, travel expenses, and hotel expenses necessary for members and employee's of Cleveland City Council to attend National League of Cities.

Whereas, National League of Cities coordinates an annual convention to

assist municipal legislators in serving their constituents; and

Whereas, this convention includes educational sessions on issues and concerns affecting local governments; and

Whereas, members and employees of Cleveland City Council have traditionally attended this annual convention; and

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

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

**Section 1.** That the Clerk of Council is hereby authorized to cause payment of registration fees, travel expenses, and hotel expenses necessary for members and employees of Cleveland City Council to attend National League of Cities.

**Section 2.** That the payments hereby authorized shall be paid from Fund No. 01 SF 001.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 1.

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

Those voting nay: Council Member Cintron.

**Ord. No. 2051-03.**

**By Council Member Brady.**

**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Westown Community Development Corporation for their Beacon Light Safety program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with Westown Community Development Corporation for their Beacon Light Safety program in order to carry out the public purpose of providing educational programming of the residents of the City of Cleveland through the use of Ward 19 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Ord. No. 2052-03.**

**By Council Member Cimperman.**  
**An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with St. Clair Superior Neighborhood Development Association for their Business District Greenspace Improvement program in order to carry out the public purpose of beautification through the use of Ward 13 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into a grant agreement with St. Clair Superior Neighborhood Development Association for their Business District Greenspace Improvement program in order to carry out the public purpose of beautification through the use of Ward 13 Neighborhood Equity Funds.

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

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

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

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

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

**Ord. No. 2059-03.**

**By Council Members Conwell and Scott.**

**An emergency ordinance amending Section 1. of Ordinance No. 828-03, passed May 12, 2003 as it pertains to the Senior Computer Literacy program through the use of Wards 8 and 9 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 1. of Ordinance No. 828-03, passed May 12, 2003 is hereby amended to read as follows:

Section 1. That the Director of Community Development is authorized to enter into a grant agreement **effective from May 12, 2003 to December 31, 2003** with the Northeastern Neighborhood Development Corporation for providing a Senior Computer Literacy program in order to carry out the public purpose of providing educational programming through the use of Wards 8 and 9 Neighborhood Equity Funds.

**Section 2.** That Section 1. of Ordinance No. 828-03, passed May 12, 2003 is hereby repealed.

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

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

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

**Ord. No. 2060-03.**

**By Council Member Conwell.**

**An emergency ordinance amending Section 1. of Ordinance No. 232-02, passed February 11, 2002 as it pertains to the At Risk Youth and Family Services Program through the use of Ward 9 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 1. of Ordinance No. 232-02, passed February 11, 2002 is hereby amended to read as follows:

Section 1. That the Director of Community Development Department is authorized to enter into an agreement effective from **September 1, 2002 to December 31, 2003** with the **CCCS/St. Martin de Porres Family Center for the At Risk Youth and Family Services Program for the public purpose of providing after school activities for disadvantaged youth residing in the City of Cleveland through the use of Ward 9 Neighborhood Equity Funds.**

**Section 2.** That Section 1. of Ordinance No. 232-02, passed February 11, 2002 is hereby repealed.

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

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

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

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

**Res. No. 2053-03.**

**By Council Member Brady.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 11824 Lorain Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from PTP Dream Investments, Inc., DBA Variety Beverage, 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7107955 to Checkered Flag Beverage and Pizza LTD., 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1414147; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from PTP Dream Investments, Inc., DBA Variety Beverage, 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7107955 to Checkered Flag Beverage and Pizza LTD., 11824 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 1414147; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Res. No. 2054-03.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 8927 Cedar Avenue and repealing Resolution No. 1125-03, objecting to said permit.**

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 8927 Cedar Avenue by Resolution No. 1125-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Patricia J. Britt and Applicant, Larry C. Gaines, DBA Larry Gaines Florist, 8927 Cedar Avenue, Cleveland, Ohio 44106, Permanent Number 2999771, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a New C1 and C2 Liquor Permit to 8927 Cedar Avenue be and the same is hereby withdrawn and Resolution No. 1125-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**Res. No. 2055-03.**

**By Council Member Coats.**

**An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 16601 Euclid Avenue and repealing Resolution No. 1297-03, objecting to said renewal.**

Whereas, this Council objected to a C1, C2 and D6 Liquor Permit to 16601 Euclid Avenue, by Resolution No. 1297-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and

through City Council Representative, Roosevelt Coats and Applicant, Ahmad Sliman, President of Hymie Enterprises, Inc., 16601 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4101794, 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 C1, C2 and D6 Liquor Permit to Hymie Enterprises, Inc., 16601 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 4101794, be and the same is hereby withdrawn and Resolution No. 1297-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 2056-03.**

**By Council Member Lewis.**

**An emergency resolution withdrawing objection to a New C1 and C2 Liquor Permit at 8802 Superior Avenue and repealing Resolution No. 1132-03, objecting to said permit.**

Whereas, this Council objected to a New C1 and C2 Liquor Permit to 8802 Superior Avenue by Resolution No. 1132-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit based upon and pursuant to a cooperation agreement by and through City Council Representative, Fannie M. Lewis and Applicant, Issa Abuhamdeh, President of 8802 Superior Hawk, Inc., DBA 8802 Superior Food Market, 8802 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 2455399-0005, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to a New C1 and C2 Liquor Permit to 8802 Superior Avenue be and the same is hereby withdrawn and Resolution No. 1132-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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



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

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

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

**Res. No. 2057-03.**

**By Council Member Polensek.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 15929 Saranac Road and repealing Resolution No. 1678-02, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 15929 Saranac Road, by Resolution No. 1678-02 adopted by the Council on August 14, 2002; 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 October 17, 2003, by and through City Council Representative, Michael D. Polensek and Applicants, Theodora Petrick, President of DeBear, Inc.; Cleveland Blount; and Sadie Blount, 15929 Saranac Road, Cleveland, Ohio 44110, Permanent Number 1998937, 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 D1, D2, D3, D3A and D6 Liquor Permit to DeBear, Inc., 15929 Saranac Road, Cleveland, Ohio 44110, Permanent Number 1998937, be and the same is hereby withdrawn and Resolution No. 1678-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**Res. No. 2058-03.**

**By Council Members Polensek, Conwell, Scott and Zone.**

**An emergency resolution strongly urging the Cleveland Municipal School District, the Cleveland Browns and the Plain Dealer to reopen discussions for the purpose of reinstating the historic Charity Game to compete for the High School City Football Title in Cleveland.**

Whereas, the Charity Game was the Cleveland Public School Football Championship played between the north and south Senate football champions for the City Title; and

Whereas, the Charity Game was played for many years here in Cleveland at the old Stadium on Thanksgiving Day;

Whereas, the Charity Game has not been played for a number of years; and

Whereas, reinstating the Charity Game would build confidence, character and support for our high school athletes and for the Cleveland Public School's athletic programs and would draw Greater Clevelanders to downtown Cleveland; 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 strongly urges the Cleveland Municipal School District, the Cleveland Browns and the Plain Dealer to reopen discussions for the purpose of reinstating the historic Charity Game to compete for the High School City Football Title in Cleveland.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Barbara Byrd-Bennett, CEO, Cleveland Municipal School District, Alex Macheske, CEO and President of the Cleveland Plain Dealer and Randolph D. Lerner, Owner, Cleveland Browns.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1864-01.**

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

An emergency ordinance to amend Sections 367.12, 367.13 and 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, by various ordinances, relating to statement of authorized use of dwelling building or structure and notice of violation, fee; for disbursement of funds from escrow agent; and penalties.

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

1. In the title, at the end, strike the period and insert "; and to enact new Section 367.111 of these codified ordinances relating to definitions."

2. In Section 1, strike lines 3, 4, 5, and 6 in their entirety and insert:

**"Section 367.12, as amended by Ordinance No. 2393-02, passed February 3, 2003,**

**Section 367.13, as amended by Ordinance No. 1528-01, passed August 15, 2001, and**

**Section 367.99, as amended by Ordinance No. 1006-03, passed June 10, 2003".**

3. In Section 1, at amended Section 367.12(a), line 3, after "363.04," insert "of five or more units", in line 5, strike "Division of" and insert "Department of"; in line 6 and in line 14, strike "setting forth" and insert in both places "describing"; in line 7, strike "ordinance" and insert "ordinances"; in lines 15 and 16, strike "is a one-family dwelling or"; and in line 16, strike "thereon"; and in line 17, strike "in lieu" and insert "instead".

4. In Section 1, at Section 367.12, insert new division (b) to read:

**"(b) An application to provide the statement required by this section shall be accompanied by a fee of forty dollars (\$40.00)."**

5. In Section 1, at Section 367.12, reletter existing division (b) to new "(c)".

6. In Section 1, at 367.12, at existing division (b), line 3, after "structure" insert ", as defined in Section 363.04,"; in line 6, strike "Commissioner of" and insert "Director of"; in line 7, strike "agent of" and insert "agent or"; strike lines 14 through 24 in their entirety and insert "to the sale of the property".

7. In Section 1, at Section 367.12, strike existing division (c) in its entirety and insert:

**"(d) A request for a Certificate of Disclosure shall be accompanied by a nonrefundable fee of sixty dollars (\$60.00)."**

8. In Section 1, at Section 367.13, at the end, strike "met." and insert "met".

9. In Section 1, at Section 367.99(a), line 1, strike "his" and insert "this"; in line 3, strike "therewith" and insert "with this Housing Code"; in the second paragraph of division (a), line 3, strike "therewith" and insert "with this Housing Code".

10. In Section 2, at Section 367.99(e), line 1, after "369.13," insert "369.14, 369.15, 369.16".

11. In Section 1, at Section 367.99(g), lines 3 and 4, strike "Community Development, Division of".

12. In Section 1, at Section 367.99(h), lines 1, strike "Commissioner of the Division" and insert "Director of".

13. In Section 2, strike lines 3, 4, 5, and 6 in their entirety and insert: **"Section 367.12, as amended by Ordinance No. 2393-02, passed February 3, 2003,**

**Section 367.13, as amended by Ordinance No. 1528-01, passed August 15, 2001, and**

**Section 367.99, as amended by Ordinance No. 1006-03, passed June 10, 2003".**

14. Insert new Section 3 to read as follows:

**"Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 367.111 to read as follows:**

**Section 367.111 Definitions**  
For purposes of Sections 367.12 and 367.13 of these codified ordinances, the following definitions apply:

(a) **Appraiser.** A person who makes an appraisal of property to determine a just and true valuation.

(b) **Buyer.** A party in a real property transaction who buys or purchases real property or who con-

tracts to buy or purchase real property. Buyer includes the grantee, vendee or purchaser in a real property transaction.

(c) *Escrow Agent*. A person with whom the seller deposits the deed and other documents or items regarding the sale of real property until specified conditions are met.

(d) *Loan Originator*. A person who negotiates or arranges a mortgage loan between a person who makes or funds mortgage loans and a buyer; or who issues a commitment for a mortgage loan to a buyer; or who places, assists to place, or finds a mortgage loan for a buyer. A loan originator also includes a person who makes or funds mortgage loans.

(e) *Mortgage Broker*. As defined in division (G) of Section 1322.01 of the Revised Code, a person who holds him, her, or itself out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance; or a person who solicits financial and mortgage information from the public, provides that information to a mortgage broker and charges or receives from the mortgage broker money or other valuable consideration readily convertible into money for providing the information; or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans.

(f) *Real Estate Agent*. A person licensed by Chapter 4735 of the Revised Code to represent another in a real estate transaction.

(g) *Seller*. A party in a real property transaction who sells, transfers or grants real property or who contracts to sell, transfer or grant real property. Seller includes the grantor, vendor, or transferor in a real property transaction. The seller is the transferring agent if there is no escrow agent involved in the transaction."

15. Renumber existing Section 3 to new "Section 4".

16. In new Section 4, line 1, strike "hereby".

Amendments agreed to.

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

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

**Ord. No. 557-03.**

By Council Member Scott.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9811 South Boulevard to Glenville Development Corporation or designee.

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

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

**Ord. No. 777-03.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Pro-

gram and located in the rear of 8816 Harkness Road to Jacqueline Nicholson.

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

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

**Ord. No. 786-03.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1272 East 90th Place to Virginia Ervin Greene.

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

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

**Ord. No. 936-03.**

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4705-15 Clinton Avenue to James Maher and Judy Maher.

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

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

**Ord. No. 1229-03.**

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2087 West 45th Street to Patricia Zayas and Edwin Zayas.

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

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

**Ord. No. 1504-03.**

By Council Member Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Superior Avenue to Nazez Brek and Sami N. Abosalah.

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

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

**Ord. No. 1505-03.**

By Council Member Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on West 19th Street to Ward A. Hines, Jr.

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

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

**Ord. No. 1507-03.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5613 Whittier Avenue to Raymond P. Nicholson and Vivian B. Nicholson.

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

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

**Ord. No. 1517-03.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with the Greater Cleveland Fire Fighters Credit Union, Inc. to provide for a ten year sixty percent tax abatement for personal and real property improvements to construct a new facility in the Emerald Corporate Park in the Cleveland Area Enterprise Zone.

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

1. In Section 2, at the end, add the following: "That the Agreement shall also provide that the Greater Cleveland Firefighters Credit Union located at 2300 St. Clair Avenue shall remain open and operating as a credit union for the ten-year term of the tax abatement or the City shall require repayment of the amount of the taxes that would have been payable had the property not been exempt from taxation."

Amendment agreed to.

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

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

**Ord. No. 1709-03.**

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Clara Trotter and Manuel Trotter.

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

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

**Ord. No. 1710-03.**

By Council Member Gordon.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3924 West 21st Street to Cleveland Housing Network, Inc.

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

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

**Ord. No. 1711-03.**

By Council Member Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6311 Hough Avenue to Crystal M. Jones.

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

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

**Ord. No. 1802-03.**

By Council Members Reed, Conwell, Britt, Zone and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to perform an assessment on the feasibility of implementing a 311 Citizen Contact Response System and a Reverse 911-type Interactive Community Notification System.

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

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

**Ord. No. 1850-03.**

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

An emergency ordinance to amend Section 6 of Ordinance No. 76-03, passed March 24, 2003, relating to authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Youth Services for the Juvenile Accountability Incentive Block Grant Programs and to enter into contracts with various entities necessary to implement the Program.

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

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

**Ord. No. 1853-03.**

By Council Member Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1770 Crawford Road to Laverne Carter and James Carter.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage

recommended by Committees on Community and Economic Development, Finance.

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

**Ord. No. 1854-03.**

By Council Member Britt.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 100th Street to Fairfax Renaissance Development Corporation.

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

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

**Ord. No. 1855-03.**

By Council Member Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6101 White Avenue to Greater Cleveland Habitat for Humanity, Inc.

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

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

**LAID ON THE TABLE****Ord. No. 2227-94.**

By Council Member Coats.  
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 403.021 thereof, relating to fresh pursuit.

Without objection, Ordinance No. 2227-94 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinance No. 2227-94 tabled.

**Ord. No. 262-96.**

By Council Member Willis.  
An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 629.11 thereof, relating to the retail sale for off premises consumption of soft drinks and nonalcoholic beverages in chilled glass bottles.

Without objection, Ordinance No. 262-96 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinance No. 262-96 tabled.

**Ord. No. 1011-96.**

By Council Member Coats.  
An emergency ordinance to enact Section 451.34 of the Codified Ordinances of Cleveland, Ohio, 1976, establishing zones for passenger bus parking; permits and violations.

Without objection, Ordinance No. 1011-96 was relieved of further con-

sideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinance No. 1011-96 tabled.

**Ord. No. 1872-2000.**

By Councilmen Brady and White.  
An emergency ordinance to amend Sections 692.01, 629.02 and 692.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 456-64, passed March 16, 1964, Ordinance No. 228-93, passed February 8, 1993 and Ordinance No. 63410-A passed September 22, 1924, respectively, relating to music entertainment permits.

Without objection, Ordinance No. 2172-2000 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Ordinance No. 2172-2000 tabled.

**Res. No. 1537-95.**

By Councilman Polensek.  
An emergency resolution urging the Mayor, Director of Public Safety and the Chief of Police to work with Council to review and revise the geographic boundaries of the six police districts.

Without objection, Resolution No. 1537-95 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Resolution No. 1537-95 tabled.

**Res. No. 2187-02.**

By Council Members Conwell, Scott, Jackson and Britt.

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

Without objection, Resolution No. 2217-02 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 21. Nays 0. Resolution No. 2217-02 tabled.

**MOTION**

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, October 27, 2003, at 7:00 p.m. in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

October 15, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 15, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Absent: Director Taylor.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

**Resolution No. 602-03.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dell Marketing, L.P. for an estimated quantity of Computer related Hardware Equipment, for the various divisions of City Government, for a period of six (6) months beginning with the date of execution of a contract, received on September 19, 2003 pursuant to the authority of Ordinance No. 1936-02, passed September 30, 2002, which on the basis of the estimated quantity would amount to Four Hundred Thirty-Three Thousand, Nine Hundred Seventy-Seven & 25/100 Dollars (\$433,977.25) Net, 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. RE-131820

which shall be certified against such contract in the total sum of One Hundred Eighty Three Thousand, Nine Hundred One & 00/100 Dollars (\$183,901.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

**Resolution No. 603-03.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Independence Business Supply for an estimated quantity of Criminal and Civil File System (All Items), for the Department of Finance, on behalf of the Cleveland Municipal Court, for the period of one (1) year, with a one year option to renew

beginning with the date of execution of a contract, received on September 5, 2003 pursuant to the authority of Ordinances Nos. 544-03 passed on May 12, 2003, which on the basis of the estimated quantity would amount to Ninety Five Thousand One Hundred Sixty Nine Dollars and Ten Cents (\$95,169.10) (Net) 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. 143414

which shall be certified against such contract in the sum of Ninety Five Thousand One Hundred Sixty Nine Dollars and Ten Cents (\$95,169.10)

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

**Resolution No. 604-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 501-03, adopted August 27, 2003, pursuant to the authority of Ordinance No. 1160-01, passed by the Council of the City of Cleveland on July 18, 2001, approving the contract with Ohio CAT for the various types of safety equipment required for compliance with OSHA and EPA regulations (groups 3, 4, & 10) for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, is hereby amended by deleting the words, "Ohio CAT", and inserting "Ohio Machinery Co. dba Ohio CAT".

Be it further resolved that all other provisions of said Resolution No. 501-03 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

**Resolution No. 605-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Noce Enterprises, Inc. for labor and materials necessary to repair or replace fire hydrants — Area W (Suburbs West of Cuyahoga River), items 1-W

through 24-W, for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 29th day of August, 2003, pursuant to the authority of Ordinance No. 1002-03, passed June 10, 2003, upon a unit basis of the estimated quantity would amount to Six Hundred Twenty Five Thousand Six Hundred Forty Two Dollars and 51 Cents (\$625,642.51) (Net 30) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 143043

which shall be certified against such contract in the sum of Two Hundred Thousand Dollars (\$200,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Noce Enterprises, Inc. for the above-mentioned service is approved:

**Subcontractor****Work**

A & L Sewer Co. Inc.

(MBE) — \$93,846.38 — (15.00%)

Julian Supply

(FBE) — \$6,256.63 — (1.00%)

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

**Resolution No. 606-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of L.J.I. Construction Company, Inc. for labor and materials necessary to repair or replace fire hydrants — Area E (Suburbs East of Cuyahoga River), items 1-E through 50-E, for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 29th day of August, 2003, pursuant to the authority of Ordinance No. 1002-03, passed June 10, 2003, upon a unit basis of the estimated quantity would amount to One Million Three Hundred Fifty Three Thousand Three Hundred Fifty Six Dollars (\$1,353,356.00) (Net 30) is affirmed and approved as the lowest and best bid, and the Director of

Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 143044 which shall be certified against such contract in the sum of Four Hundred Thousand Dollars (\$400,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by L.J.I. Construction Company, Inc. for the above-mentioned service is approved:

Subcontractor

Work

A & L Sewer Co. Inc.  
(MBE) — \$141,846.25 — (10.48%)

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.  
Nays: None.  
Absent: Director Taylor.

**Resolution No. 607-03.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Carus Chemical Company, a Division of Carus Corporation for an estimated quantity of potassium permanganate for use in the treatment of water for a municipal supply, bid item 1, for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the later of the date of execution of a contract or receipt of a notice to proceed, received on the 22nd day of August, 2003, pursuant to the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Four Hundred Forty Two Thousand Nine Hundred Eleven Dollars and 12 Cents (\$442,911.12) (Net 30) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 131978 which shall be certified against such contract in the sum of Fifty Thousand Dollars (\$50,000.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.  
Nays: None.  
Absent: Director Taylor.

**Resolution No. 608-03.**

By Director Mok.

Whereas, pursuant to the authority of Ordinance No. 2157-02, passed by Cleveland City Council on January 13, 2003, the City, through its Director of Port Control entered into City Contract No. 61551 with IMG Motorsports-Cleveland, Inc. ("IMG") for the use and occupancy of certain portions of the airfield and facilities at Burke Lakefront Airport to conduct the Grand Prix auto race and related motor sport events; and

Whereas, by its letter dated September 2, 2003, IMG requested the City's consent to assign all of IMGs obligations and interests under City Contract No. 61551 to Championship Auto Racing Team ("CART"); and

Whereas, CART proposes to undertake all of IMGs obligations under said City Contract No. 61551; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the request by IMG by the September 2, 2003 letter, this Board consents to the assignment of City Contract No. 61551 for the use and occupancy of certain portions of the airfield and facilities at Burke Lakefront Airport to conduct the Grand Prix auto race and related motor sport events from IMG Motorsports-Cleveland, Inc. to Championship Auto Racing Team effective October 1, 2003.

Be it further resolved that the Director of Port Control is authorized to complete and execute all documents necessary and appropriate to implement the consent authorized, provided that the terms of such assignment do not conflict with the terms and conditions of City Contract No. 61551.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.  
Nays: None.  
Absent: Director Taylor.

**Resolution No. 609-03.**

By Director Mok.

Whereas, the Western Reserve Historical Society wishes to utilize the main lobby, West Concourse and 2nd floor banquet room in the Terminal Building at Burke Lakefront Airport (the "Airport") for the 2003 Cleveland Antique Show ("Event") to be held on October 23, 2003 through October 26, 2003; and

Whereas, the City is willing to grant the Western Reserve Historical Society the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the

Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement ("Agreement") granting the Western Reserve Historical Society the privilege, permit and license to conduct the Event in the main lobby, West Concourse and 2nd floor banquet room in the Terminal Building at Burke Lakefront Airport from 9:00 a.m. to 10:00 p.m. on October 23, 2003 through October 26, 2003, and to use and occupy the main lobby, West Concourse and 2nd floor banquet room for such period of time before the Event as necessary for preparation and after the Event for clean up. The Western Reserve Historical Society shall pay the City a \$7,027.92 fee for the Event, and shall be responsible at its expense for providing traffic control, security and clean up.

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.  
Nays: None.  
Absent: Director Taylor.

**Resolution No. 610-03.**

By Director Ricchiuto.

Whereas, pursuant to the authority of Ordinance Nos. 2368-92, 1454-97, 1402-2000 and 906-02, passed by Cleveland City Council on December 14, 1992, November 24, 1997, November 13, 2000 and June 3, 2002, and Board of Control Resolution No. 421-03, adopted July 16, 2003, the City, through its Director of Public Service entered into City Contract No. 61762 with Vandra Brothers Construction, Inc. for the public improvement of Memphis Avenue Rehabilitation; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Vandra Brothers Construction, Inc. for the aforementioned contract is approved:

Julian Supply  
16300 S. Waterloo Road  
Cleveland, Ohio 44121  
FBE (DBE) — 1.00% — \$50,500

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.  
Nays: None.  
Absent: Director Taylor.

**Resolution No. 611-03.**

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of General Safety Equipment, LLC for an estimated quantity of tactical rescue pumpers including option 3, 60' squirt pumpers, and rescue squads including options 1 and 4, for

the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 8, 2003, pursuant to the authority of Ordinance No. 1845-02, passed by the Council of the City of Cleveland on October 7, 2002, which on the basis of the estimated quantity would amount to One Million Nine Hundred Fifty-One Thousand Four Hundred Thirty-Five and 00/100 Dollars (\$1,951,435.00) (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. 130071 which shall be certified against such contract in the sum of One Million Nine Hundred Fifty-One Thousand Four Hundred Thirty-Five and 00/100 Dollars (\$1,951,435.00).

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

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

#### Resolution No. 612-03.

By Acting Director Carroll.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 551-03, adopted September 17, 2003, pursuant to the authority of Ordinance No. 497-03, passed by the Council of the City of Cleveland on April 14, 2003, approving Pharmed Corporation, as the firm to be employed by contract to provide Pharmaceutical Supplies for the Division of Correction, is hereby amended by deleting the requisition number 134746 dollar amount "\$17,931.59" and substitution requisition number 134756 dollar amount to be "\$26,713.20" where appearing.

Be it further resolved that all other provisions of said Resolution No. 551-03 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

#### Resolution No. 613-03.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Old World Industries, Inc. for deicing materials for various divi-

sions of the Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on the 17th day of September, 2003, pursuant to the authority of Ordinance No. 1258-02, passed on August 14, 2002, which on the basis of the estimated quantity would amount to Two Million Nine Hundred Fifty-Seven Thousand Eight Hundred Fifty and 00/100 Dollars (\$2,957,850.00), is hereby affirmed and approved as the lowest and best bidder, and the Director of Port Control 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. 139990

which shall be certified against such contract in the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00).

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, Director Chandra, Acting Director Abousserhal, Directors Konicek, Mok, Acting Director Wasik, Director Carroll, Acting Director Pettus, Directors Ronayne, Hudecek, Acting Directors Brown, Appolito, Directors Fumich and Williams.

Nays: None.

Absent: Director Taylor.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

REYNALDO GALINDO,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 3, 2003

9:30 A.M.

**Calendar No. 03-266:** 2326 West 5th Street (Ward 13)

I & J Property, Inc. c/o Isamel Solivan, appeal to erect a 22'-6" x 20'-10" three-story, frame room addition; and also to add a 9'-6" x 20' accessory garage, a 9'-6" x 20' carport and a 9' x 7' shed where there is an existing two-story, frame one-family dwelling, situated on a 33' x 115' parcel located in a Two-Family District on the southwest side of West 5th Street at 2326 West 5th Street; the proposed construction being contrary to Section 337.14 of the Residential Districts Regulations, where no parking space shall be located within 10' of any wall of a building or structure if it has ground floor openings that provide light or ventilation for the building and Section 337.23(a) that requires accessory uses to be located no less than 18" from the property lines and only 6" are provided; and contrary to the Yards and Courts Requirements of Sections 357.09(2)B where 1' is provided and an interior side yard distance of 3' is required; and subject to the Board of Zoning Appeals approval for the enlargement of an existing nonconforming use as stated in Section 359.01(a) of the Codified Ordinances.

**Calendar No. 03-270:** 1293 West 102nd Street (Ward 19)

Joann Dove, owner, appeals to construct a 12' x 18' one-story frame, accessory garage at the rear of an existing two-family dwelling, situated on an approximate 40' x 130' parcel located in a Two-Family District on the northeast corner of West 102nd Street and Nanford Road at 1293 West 102nd Street; the proposed construction being contrary to the regulations of Yards and Courts in Section 357.05(b)2 regarding an established building line where 20' is requested and 27' is required and subject to the Board of Zoning Appeals approval under the provisions for Nonconforming Uses as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 03-272:** 1584 East 82nd Street (Ward 7)

Gregory Neal, owner, appeals to enclose an existing 12' x 25' front porch of a two-story, frame one-family dwelling, situated on a 32' x 120' rectangular parcel located in a Multi-Family District on the west side of East 82nd Street at 1584 East 82nd Street; the proposed enclosure being subject to the Enforcement and Penalty Provisions of Section 327.02(d) that require plans for the project be drawn to scale and contrary to the Yards and Courts Requirements where a 12' projection is proposed and enclosed front porches shall not project more than 4' as stated in Section 327.02(b)2 of the Codified Ordinances.

**Calendar No. 03-273:** 1012 Galewood Avenue (Ward 10)

Leandrew Green, owner, appeals under Section 329.02 of the Codified Ordinances from the decision of

Richard L. Silva, Commissioner of Park Maintenance and Properties, that Parcel Number 115-12-036, a vacant lot at 1012 Galewood Avenue, was in violation of the Cleveland Codified Ordinance Section 209.01, where no owner or person in possession or control of any lot or land within the city shall fail to keep such lot or land free of refuse, etc. as noted in Section 209.01. The city's vacant lot crew abated the nuisance and the owner was billed for the service by the Department of Parks, Recreation and Properties.

**Calendar No. 03-274:** 8245 Broadway Avenue (Ward 12)

Ron Ferrari, owner, appeals to establish use as a used car sales lot and place a trailer for the sales office on an approximate 201' x 199' irregular shaped parcel located in a General Retail Business District on the southeast corner of Broadway Avenue and Booth Avenue at 8245 Broadway Avenue; contrary to the Business District Regulations of Section 343.11(b)(2)(I)(4) where a 1-1/2' barrier is required at or behind a 13' setback from Broadway Avenue and none is proposed and subject to Sections 347.11(b)(c) of Specific Uses Regulated, where open areas of sales lots intended either for display or vehicular areas shall be surfaced with dustless hard-surfaced, impervious all-weather material and graded for proper drainage; and contrary to the Landscaping and Screening Requirements, no landscape strips with identified plantings are shown along Broadway Avenue nor Booth Avenue and a 4' landscape strip is required where the lot abuts the streets as stated in Sections 352.10 and 352.11 of the Codified Ordinances.

**Calendar No. 03-279:** 13229 Enterprise Avenue (Ward 20)

James Illius d.b.a. Builder's Loft, owner, and Michael Hudak, agent, appeal to construct an approximate 22' x 83' accessory parking area at the front of a block and brick commercial building all situated on a 125' x 237' parcel located in a Semi-Industry District on the south side of Enterprise Avenue at 13229 Enterprise Avenue; subject to Section 325.03 where accessory off-street parking space is required to be at least 180 s/f and contrary to Section 349.07(c)(3) of the Off-Street Parking and Loading Requirements, where the maximum width of a driveway shall not exceed 30' and 60' is proposed and the provisions of the Landscaping and Screening Requirements in Section 352.10 that require a 6' wide landscaping strip be installed along Enterprise Avenue and none is proposed, and contrary to the Yards and Courts Regulations where the parking of motor vehicles along the established 15' front setback building line is prohibited as stated in Sections 357.14(a)(1) of the Codified Ordinances.

**Calendar No. 03-285:** 222-248 Euclid Avenue (Ward 13)

222, LLC; 240 Euclid LLC, owners c/o John Monroe, agent, appeal to expand the use previously granted on June 24, 2002 by the Board of Zoning Appeals from retail and 73 apartment units to retail, 182 resi-

dential condominium units and a reduced number of 57 apartments, all proposed to be in two irregular shaped buildings located in a General Retail Business District on the south side of Euclid Avenue at 222-248 Euclid Avenue; said expansion being contrary to the Area Requirements Regulations of Section 355.04, where in an "E" Area District, the gross floor area is limited to one and one-half times the total lot size and 470,156 s/f is proposed where the maximum gross floor area permitted is 58,213 s/f, and the proposed expansion being contrary to the Yards and Courts Requirements of Section 357.08(b)(2) where no rear yard is provided and a rear yard equal to one-half the height of the building is required, and no side yards are provided where a side street yard of 5' and an interior side yard of 5' are required as stated in Sections 357.05 and 357.09 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, OCTOBER 20, 2003**

At the meeting of the Board of Zoning Appeals on Monday, October 20, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 03-261:** 3505 Archwood Avenue

Rick Jaworski appealed to erect a 9' high x approximately 12' wide wooden arbor over the existing driveway at the east side of a two-family dwelling in a Two-Family District.

**Calendar No. 03-150:** 2087 West 7th Street

Sutton Builders appealed to construct a 20' x 48' three-story, one family residence with a 20' x 20' detached garage in a Multi-Family District.

**Calendar No. 03-178:** 2154 West 6th Street

Michael McBride appealed to construct a 19' x 47' three-story, one family residence with an attached garage in a Multi-Family District.

**Calendar No. 03-189:** 10300 Union Avenue

Jeffrey Kirkman, Jr. appealed to expand a 44' x 55' one-story party center into a 44' x 106' party center building in a Local Retail Business District.

**Calendar No. 03-248:** 1233 West 67th Street

Halle, Inc. appealed to construct a parking lot for 15 cars on a 50' x 110' parcel in a General Industry District.

**Calendar No. 03-249:** 1229 West 67th Street

Hallie, Inc. appealed to erect a 2100 s/f single family townhouse unit on a 20' x 110' parcel in a General Industry District.

**Calendar No. 03-250:** 1227 West 67th Street

Hallie, Inc. appealed to erect a 2100 s/f single family townhouse unit on a 20' x 110' parcel in a General Industry District.

The following appeals were **Denied:**

**Calendar No. 03-259:** 764 Brayton Avenue

Elizabeth Webb appealed to use a 30' x 56.5' vacant lot as a parking lot for two motor vehicles and one tow truck in a Two-Family District.

**Calendar No. 03-262:** 14005 Triskett Road

Brandi Reesey appealed to install 80' linear feet of 6' high wooden privacy fence along the side street property line of a two-family dwelling in a Two-Family District.

**Calendar No. 03-263:** 4639 State Road

C.F.A.M. LLC appealed to modify a variance and alter a plan conditionally granted on April 29, 2002 to expand a parking lot at the rear of a tavern in a Local Retail Business District.

**Calendar No. 03-233:** Appeal of Fuad D. Jaser

Fuad D. Jaser appealed from the suspension of a City of Cleveland Hack License issued March 19, 2003.

The following appeal was **Postponed:**

**Calendar No. 03-260:** 10231 Adelaide Avenue postponed to November 10, 2003.

**On Monday, October 20, 2003, in Executive Session:**

The following appeals were heard by the Board on Monday, October 13, 2003, and said decisions were approved and adopted in Executive Session on Monday, October 20, 2003:

The following appeals were **Approved:**

**Calendar No. 03-253:** 2012-18 Denison Avenue

Burt Chernin appealed to expand a day care facility by adding the use of a 66 s/f vacant space in a 118' x 79' one-story, masonry building in a Local Retail Business District.

**Calendar No. 03-255:** 16503 Sedalia Avenue

D.E. Phillips appealed to construct an 8' x 10' one-story frame shed to the rear of a 50' x 113' parcel in a One-Family District.

**Calendar No. 03-257:** 12403 Ingomar Avenue

E. Capers appealed to construct a 20' x 20' one-story accessory garage at the rear of a 45' x 112' parcel in a One-Family District.

**Calendar No. 03-271:** 3316 West 165th Street

Cathy McMillan appealed to erect a 14' x 26' one-story accessory garage on a 40' x 154' parcel in a One-Family District.

The following appeals were **Denied:**

**None.**

The following appeal was heard by the Board on October 6, 2003 and adopted and approved on October 20, 2003:

The following appeal was **Approved**:

**Calendar No. 03-227:** 4914 Old Grayton Road

Canal Road Partners and Allega Recycled Materials appealed for a special permit to expand the use of a concrete ready mix batch plant by adding a concrete recycling operation in a General Industry District; subject to conditions.

EUGENE CRANFORD, JR.,  
Secretary

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

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NO MEETING

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**PUBLIC NOTICE**

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NONE

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**NOTICE OF PUBLIC HEARING**

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NONE

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**CITY OF CLEVELAND BIDS**

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**For All Departments**

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

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

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

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the**

**Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."**

**THURSDAY, OCTOBER 30, 2003**

**Ductile Iron Pipe and Fittings**, 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 MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 23, 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.**

**Purchase and Installation of Replacement Storage Batteries**, for the Office of Radio Communications, Department of Public Utilities, as authorized by Ordinance No. 1194-02, passed by the Council of the City of Cleveland, July 17, 2002.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 24, 2003, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Aluminum Sign Blanks**, 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 FRIDAY, OCTOBER 24, 2003 AT 9:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 15, 2003 and October 22, 2003

**FRIDAY, OCTOBER 31, 2003**

**Snow and Ice Removal**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1152-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 23, 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.**

October 15, 2003 and October 22, 2003

**WEDNESDAY, NOVEMBER 5, 2003**

**Digital Video Cameras For Prisoner Booking & Building Security**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2460-92, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A MANDATORY PRE-BID MEETING, TUESDAY, OCTOBER 28, 2003 AT 10:00 A.M., THIRD DISTRICT POLICE STATION, 1ST FLOOR, 2100 PAYNE AVE., CLEVELAND, OHIO 44114.

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

October 15, 2003 and October 22, 2003

**THURSDAY, NOVEMBER 13, 2003**

**Fire, Boiler, Machinery and Extended Insurance Coverage**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1078-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, OCTOBER 29, 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.**

October 15, 2003 and October 22, 2003

**WEDNESDAY, NOVEMBER 5, 2003**

**Glenville Recreation Center Playground Improvements**, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1114-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 30, 2003 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

October 22, 2003 and October 29, 2003

**THURSDAY, NOVEMBER 6, 2003**

**Pipe Repair Couplings**, 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 MANDATORY PRE-BID MEETING; THURSDAY, OCTOBER 30, 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.**

**Rehabilitation of Western Avenue (West 117th Street to West Blvd.),** for the Division of Engineering & Construction, Department of Public Service, as authorized by Ordinance No. 481-02, passed by the Council of the City of Cleveland, May 18, 2002.

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

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, OCTOBER 30, 2003 AT 2:00 P.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 22, 2003 and October 29, 2003

**FRIDAY, NOVEMBER 7, 2003**

**To Repair and/or Replace Water, Sewer, and Gas Lines Damaged By Pole Replacement,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1151-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; THURSDAY, OCTOBER 30, 2003 AT 2:00 P.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.**

October 22, 2003 and October 29, 2003

**WEDNESDAY, NOVEMBER 12, 2003**

**Two (2) Pole Dinkeys (Trailers),** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 4, 2003, AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**One (1) Yard Crane — New or Used,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1169-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, NOVEMBER 4, 2003 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49th STREET, BUILDING #1, CLEVELAND, OHIO 44105.

October 22, 2003 and October 29, 2003

**THURSDAY, NOVEMBER 13, 2003**

**Flame Resistant Clothing,** for the Division of Cleveland Public Power, Department of Public Util-

ities, as authorized by Ordinance No. 220-01, passed by the Council of the City of Cleveland, March 30, 2001.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; FRIDAY, NOVEMBER 7, 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.**

**Cleaning & Maintaining the Scale Pits at Ridge Road Transfer Station/Ridge Road Scale House,** for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1167-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, NOVEMBER 5, 2003 AT 2:00 P.M., DIVISION OF WASTE COLLECTION, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

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

October 22, 2003 and October 29, 2003

**FRIDAY, NOVEMBER 14, 2003**

**Clean-Up and Securing of Sites,** for Various Divisions, Department of Building and Housing, as authorized by Ordinance No. 773-03, passed by the Council of the City of Cleveland, June 2, 2003.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, NOVEMBER 5, 2003 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Outdoor Lighting Program (Material & Installation),** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1154-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A **MANDATORY** PRE-BID MEETING; THURSDAY, NOVEMBER 6, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 22, 2003 and October 29, 2003

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1890-03.**  
**By Council Member Jackson (by departmental request).**  
**An emergency resolution requesting the County Auditor to make advances during the year 2004, under Section 321.34 of the Revised Code.**

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 under Section 321.34 of the Revised Code, the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2004 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2004 fiscal year, during which year such request will be made. The payments are to be made from time to time as the Director of Finance may request.

**Section 2.** That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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

Adopted October 13, 2003.  
 Effective October 16, 2003.

**Res. No. 1989-03.**  
**By Council Member White.**  
**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3790 Martin Luther King, Jr. Drive and repealing Resolution No. 1566-03, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 3790 Martin Luther King, Jr. Drive by Resolution No. 1566-03 adopted by the Council on August 13, 2003; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to 3790 Martin Luther King, Jr. Drive be and the same is hereby withdrawn and Resolution No. 1566-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted October 13, 2003.  
 Effective October 16, 2003.

**Res. No. 1990-03.**  
**By Council Member Polensek.**  
**An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 15428 Lakeshore Boulevard and repealing Resolution No. 1676-02, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Boulevard by Resolution No. 1676-02 adopted by the Council on August 14, 2002; 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 October 1, 2003 by and through City Council Representative, Michael D. Polensek and Applicant, Parkash Parkash, President of Park CFM, Inc., DBA Convenient Food Mart, 15428 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 6700191, a copy of which is in the file for this address with the City Law Department; and

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

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

**Section 1.** That objection to the renewal of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Boulevard be and the same is hereby withdrawn and Resolution No. 1676-02, 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 October 13, 2003.

Effective October 16, 2003.

**Res. No. 1991-03.**

**By Council Member Conwell.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 10509 Ashbury Avenue and repealing Resolution No. 1308-03, objecting to said renewal.**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 10509 Ashbury Avenue, by Resolution No. 1308-03 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; 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 C1 and C2 Liquor Permit to 10509 Ashbury, Inc., DBA First Choice Beverage, 10509 Ashbury Avenue, Cleveland, Ohio 44106, Permanent Number 6548639, be and the same is hereby withdrawn and Resolution No. 1308-03, 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 October 13, 2003.

Effective October 16, 2003.

**Ord. No. 1216-03.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 57846 with JCDecaux Airport, Inc. (f/k/a Sky Sites, Inc.) for the operation of an advertising concession for the various divisions of the Department of Port Control for a period not to exceed five years; and authorizing the Director to issue credits under this amendment for the removal and relocation of displays, and the installation of electrical lines and phone lines.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into an amendment to Contract No. 57846 so that: (a) JCDecaux Airport, Inc. (f/k/a Sky Sites, Inc.) (JCDecaux) shall provide the City with an annual minimum guarantee of sixty-five percent (65%) of gross revenues or Seven Hundred Twenty-five Thousand Six Hundred Dollars (\$725,600.00), whichever is greater; and (b) the number of signs and displays shall be approximately 133 (exclusive of exhibit displays, courtesy phone center displays and the eight directory-style displays). Signs may be added or deleted at the direction of the Director of Port Control.

**Section 2.** All other terms and conditions contained in the original contract shall remain the same.

**Section 3.** That if the Director of Port Control requests JCDecaux to remove or relocate any of its displays, the Director is authorized to issue credits to JCDecaux under this amendment, for the reimbursement of costs for the removal and relocation of displays and the installation of electrical lines and phone lines to any such new areas.

**Section 4.** That the Director of Port Control is further authorized to execute any documents necessary and appropriate to issue such credits.

**Section 5.** That the amendment shall be prepared by the Director of Law and shall contain additional terms and conditions as the Director

of Law deems necessary to protect and benefit the public interest.

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

Passed October 13, 2003.

Effective October 16, 2003.

**Ord. No. 1497-03.**

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

**An emergency ordinance to amend Section 607.15 as enacted by Ordinance No. 90-96, passed March 18, 1996, relating to illegal distribution of cigarettes or other tobacco products.**

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 607.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996 is amended to read as follows:

**Section 607.15 Illegal Distribution of Cigarettes or Other Tobacco Products**

(a) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, and no agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes and no other person shall do any of the following:

(1) Give, sell or otherwise distribute cigarettes, other tobacco products, or papers used to roll cigarettes to any person under eighteen years of age;

(2) Give away, sell or distribute cigarettes, other tobacco products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, other tobacco products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cigarettes, other tobacco products, or paper used to roll cigarettes for that child;

(4) Manufacture, sell, or distribute in this City any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes in a smaller quantity than that placed in the pack or other container by the manufacturer.

(6) Sell other tobacco products in a smaller quantity than was intended for retail when the project as packaged by the manufacturer.

(b) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine except in the following locations:

(1) An area either:

A. Within a factory, business, office, or other place not open to the general public; or

B. To which persons under the age of eighteen years are not generally permitted access;

(2) In any other place not identified in division B.(1) of this section, upon all of the following conditions:

A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of such person.

B. The vending machine is inaccessible to the public when the place is closed.

(c) As used in this section, "vending machine" has the same meaning as "coin machine" as defined in Section 2913.01 of the Revised Code.

(d) The following are affirmative defenses to a charge under division (a)(1) of this section:

(1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, or papers used to roll cigarettes to a child under division (a)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(e) It is not a violation of division (a)(1) or(2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

(1) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.

(2) An institutional human subjects protection review board, or equivalent entity, has approved the research protocol.

(3) The child is participating in the research protocol at the facility or location specified in the research protocol.

(f)(1) Whoever violates division (a)(1), (2), (4), or (5) or (c) is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender has previously been convicted of a violation of division (a)(1), (2), (4), or (5) or (b) of this section or divisions (B)(1), (2), (4), or (5) or (C) of Section 2927.02 of the Revised Code, then illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree.

(2) Whoever violates division (a)(3) of this section is guilty of permitting children to use cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (a)(3) of this section or division (B)(3) of Section 2927.02 of the Revised Code, permitting children to use cigarettes or other tobacco products is a misdemeanor of the third degree.

**Section 2.** That existing Section 607.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996 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 October 13, 2003.

Effective October 16, 2003.

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**Ord. No. 1686-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to replace the terminal flooring at Cleveland Hopkins International Airport, including Concourse A, B, and C, the ticketing level, the baggage claim and concourse connectors, for the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of labor and materials necessary to replace the terminal flooring at Cleveland Hopkins International Airport, including Concourse A, B, and C, the ticketing level, the baggage claim and concourse connectors, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases

and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 139903)

**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 October 13, 2003.

Effective October 16, 2003.

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**Ord. No. 1687-03.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive parts, supplies and services necessary for the maintenance of airport vehicles and equipment, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of automotive parts, supplies and services necessary for the maintenance of airport vehicles and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the

Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 139902)

**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 October 13, 2003.  
Effective October 16, 2003.

**Ord. No. 1688-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of work uniforms for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one or two years of the necessary items of work uniforms, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. 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 determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts 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. (RL 139901)

**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 October 13, 2003.  
Effective October 16, 2003.

**Ord. No. 1689-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide lobbying services for Cleveland Hopkins International Airport issues.**

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

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

**Section 1.** That the Director of Port Control is authorized to 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 provide lobbying services for Cleveland Hopkins International Airport issues.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as

may be determined after a full and complete canvass by the Director of Port Control 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 Port Control, and certified by the Director of Finance.

**Section 2.** That the cost of contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 133227.

**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 October 13, 2003.  
Effective October 16, 2003.

**Ord. No. 1691-03.**  
**By Council Members Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Medtronic Physio Control for the purchase of not to exceed twelve defibrillators including wall cabinets, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Medtronic Physio Control. Therefore the Director of Port Control is authorized to make one or more written contracts with Medtronic Physio Control on the basis of its proposal dated February 13, 2003, for not to exceed twelve defibrillators including wall cabinets to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the various divisions of the Department of Port Control.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. 133224.

**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 October 13, 2003.  
Effective October 17, 2003.

**Ord. No. 1801-03.**

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

**An emergency ordinance to amend various sections of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.**

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 following:

- Sections 4 and 7 of Ordinance No. 384-03, passed March 10, 2003,
  - Section 8 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003,
  - Sections 9, 10, 12, 18, 20 and 22 of Ordinance No. 384-03, passed March 10, 2003,
  - Sections 27, 28, 29, and 30 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003 and;
  - Section 42 of Ordinance No. 384-03, passed March 10, 2003,
- are amended to read as follows:

**Section 4. Employees of Council - Salary**

That the Clerk of Council, with the approval of the President of Council, shall fix the salary of the employees of Council within the limits established in the following schedule for each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Administrative Assistant.....	\$21,851.06	\$ 69,251.79
2. Administrative Secretary.....	\$19,427.20	\$ 69,251.79
3. Assistant Legislative Clerk .....	\$19,427.20	\$ 54,274.17
4. Chief City Archivist.....	\$21,851.06	\$ 73,042.72
5. Chief Legislative Secretary .....	\$21,851.06	\$ 73,042.72
6. Council Receptionist.....	\$19,427.20	\$ 43,825.63
7. Deputy City Archivist.....	\$19,427.20	\$ 69,251.79
8. Deputy Clerk .....	\$21,851.06	\$ 69,251.79
9. Director of Communications .....	\$24,974.46	\$ 73,042.72
10. Director of Policy Research.....	\$24,974.46	\$ 73,042.72
11. Executive Assistant - Administration.....	\$24,974.46	\$ 73,042.72
12. Executive Assistant - Councilmembers .....	\$ 9.34	\$ 15.09
13. Executive Assistant to the Clerk of Council.....	\$24,974.46	\$ 73,042.72
14. Financial Assistant .....	\$19,427.20	\$ 43,825.60
15. Financial Manager.....	\$21,851.06	\$ 73,042.72
16. Financial Officer.....	\$19,427.20	\$ 69,251.79
17. First Assistant Clerk.....	\$24,975.91	\$ 73,042.72
18. Information and Technology Administrator.....	\$21,851.06	\$ 69,251.79
19. Information Systems Engineer.....	\$24,974.46	\$ 73,042.72
20. Legislative Assistant.....	\$19,427.20	\$ 58,434.18
21. Legislative Committee Clerk.....	\$19,427.20	\$ 58,434.18
22. Legislative Secretary.....	\$19,427.20	\$ 58,434.18
23. Personnel and Human Resources Assistant.....	\$19,427.20	\$ 69,251.79
24. Personnel and Human Resources Manager.....	\$21,851.06	\$ 73,042.72
25. Planning and Development Advisor.....	\$55,000.00	\$ 72,800.00
26. Policy Research Analyst.....	\$21,851.06	\$ 69,251.79
27. Public Relations Manager.....	\$21,851.06	\$ 73,042.72
28. Sergeant-at-Arms.....	\$19,427.20	\$ 40,180.29
29. Special Counsel.....	\$41,416.04	\$ 78,000.00

**Section 7.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Custodial Worker.....	\$ 9.34	\$ 13.54
2. Window Washer.....	\$ 12.54	\$ 18.37
3. Bridge Oiler .....	\$ 9.34	\$ 16.33

**Section 8.** That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Accountant I.....	\$ 9.34	\$ 17.95
2. Accountant II .....	\$ 9.34	\$ 19.69
3. Accountant III.....	\$ 9.34	\$ 21.83
4. Accountant Clerk I.....	\$ 9.34	\$ 14.54
5. Accountant Clerk II.....	\$ 9.34	\$ 15.71

6.	Activities Therapist .....	\$ 9.34	\$ 13.82
7.	AIDS Support Services Coordinator .....	\$ 10.49	\$ 15.46
8.	Air Pollution Control Engineer I .....	\$ 9.34	\$ 23.08
9.	Air Pollution Control Engineer II .....	\$ 9.34	\$ 24.33
10.	Air Pollution Control Engineer III .....	\$ 9.50	\$ 25.63
11.	Air Pollution Engineer .....	\$ 12.04	\$ 18.02
12.	Air Pollution Inspector I .....	\$ 12.12	\$ 18.57
13.	Air Pollution Inspector II .....	\$ 9.34	\$ 20.71
14.	Air Pollution Technician I .....	\$ 9.34	\$ 19.69
15.	Air Pollution Technician II .....	\$ 9.34	\$ 20.71
16.	Air Pollution Technician III .....	\$ 9.34	\$ 23.08
17.	Airport Information Representative .....	\$ 10.02	\$ 15.08
18.	Airport Operations Agent I .....	\$ 14.14	\$ 18.65
19.	Airport Operations Agent II .....	\$ 17.77	\$ 21.95
20.	Airport Safety Man .....	\$ 14.19	\$ 19.07
21.	Architect .....	\$ 9.73	\$ 27.14
22.	Associate Engineer .....	\$ 17.83	\$ 25.39
23.	Assistant Buyer .....	\$ 9.34	\$ 18.83
24.	Assistant City Planner .....	\$ 9.34	\$ 19.69
25.	Assistant Civil Engineer .....	\$ 9.34	\$ 19.69
26.	Assistant Electrical Engineer .....	\$ 9.34	\$ 19.69
27.	Assistant Mechanical Engineer .....	\$ 9.34	\$ 19.69
28.	Assistant Plan Examiner .....	\$ 13.42	\$ 20.71
29.	Associate Programmer .....	\$ 9.34	\$ 21.10
30.	Bacteriologist .....	\$ 9.34	\$ 21.82
31.	Bill Collector .....	\$ 10.02	\$ 15.08
32.	Billing Clerk .....	\$ 9.89	\$ 15.07
33.	Building Inspector .....	\$ 14.26	\$ 20.02
34.	Camera Room Operator .....	\$ 9.34	\$ 17.14
35.	Caseworker I .....	\$ 9.34	\$ 16.37
36.	Caseworker II .....	\$ 9.34	\$ 17.95
37.	Cashier/Starter .....	\$ 9.34	\$ 17.95
38.	Chemist .....	\$ 9.34	\$ 23.85
39.	Chief Miscellaneous Investigator .....	\$ 9.34	\$ 20.71
40.	Citizens Information Representative .....	\$ 9.34	\$ 17.14
41.	Civil Engineer .....	\$ 9.50	\$ 27.14
42.	Claims Examiner .....	\$ 9.34	\$ 20.71
43.	Clerk Typist .....	\$ 9.34	\$ 11.24
44.	Clinical Laboratory Assistant .....	\$ 9.34	\$ 17.14
45.	Clinical Laboratory Technician I .....	\$ 9.34	\$ 19.69
46.	Clinical Laboratory Technician II .....	\$ 9.34	\$ 21.10
47.	Cocaine Treatment Counselor I .....	\$ 9.34	\$ 16.30
48.	Cocaine Intake Specialist .....	\$ 9.95	\$ 14.67
49.	Community Development Code Enforcement Inspector I .....	\$ 14.08	\$ 21.84
50.	Community Development Code Enforcement Inspector II .....	\$ 14.89	\$ 23.08
51.	Community Development Code Enforcement Inspector III .....	\$ 15.70	\$ 24.33
52.	Community Development Code Enforcement Inspector/Heating I .....	\$ 14.08	\$ 21.84
53.	Community Development Code Enforcement Inspection/Heating II .....	\$ 14.89	\$ 23.08
54.	Community Development Code Enforcement Inspection/Heating III .....	\$ 15.70	\$ 24.33
55.	Community Development Code Enforcement Inspector/Refrigeration I .....	\$ 14.05	\$ 21.84
56.	Community Development Code Enforcement Inspector/Refrigeration II .....	\$ 14.89	\$ 23.08
57.	Community Development Code Enforcement Inspector/Refrigeration III .....	\$ 15.70	\$ 24.33
58.	Community Development Code Enforcement Inspector/Trainee .....	\$ 9.97	\$ 17.62
59.	Community Development Planner .....	\$ 9.87	\$ 26.11
60.	Community Health Aide .....	\$ 9.34	\$ 14.53
61.	Community Relations Representative I .....	\$ 9.34	\$ 17.14
62.	Community Relations Representative II .....	\$ 9.34	\$ 20.71
63.	Community Relations Representative III .....	\$ 9.51	\$ 25.63
64.	Composing Equipment Operator .....	\$ 9.34	\$ 18.83

65.	Computer Monitor Assistant.....	\$ 9.34	\$ 12.45
66.	Computer Operator.....	\$ 9.34	\$ 20.71
67.	Construction Technician.....	\$ 12.02	\$ 20.71
68.	Consumer Protection Specialist.....	\$ 9.34	\$ 16.37
69.	Contract and Monitoring Specialist.....	\$ 9.34	\$ 21.91
70.	Cook.....	\$ 11.38	\$ 14.18
71.	Copy Center Operator.....	\$ 9.34	\$ 16.64
72.	Cost Construction Estimator.....	\$ 9.34	\$ 20.16
73.	Customer Service Representative.....	\$ 10.03	\$ 15.70
74.	Data Control Clerk.....	\$ 9.34	\$ 15.09
75.	Data Conversion Operator.....	\$ 9.92	\$ 13.67
76.	Dental Assistant.....	\$ 9.34	\$ 14.25
77.	Development Officer.....	\$ 9.34	\$ 24.32
78.	Dietician.....	\$ 9.34	\$ 17.94
79.	Drug and Alcohol Counselor.....	\$ 9.34	\$ 13.34
80.	Electrical Engineer.....	\$ 9.50	\$ 27.14
81.	Electronic Engineer.....	\$ 9.54	\$ 27.63
82.	Elevator Inspector.....	\$ 14.23	\$ 21.84
83.	Engineer.....	\$ 22.78	\$ 30.90
84.	Environmental Compliance Specialist I.....	\$ 14.95	\$ 20.63
85.	Environmental Compliance Specialist II.....	\$ 16.35	\$ 21.61
86.	Environmental Compliance Specialist III.....	\$ 17.90	\$ 27.81
87.	Environmental Enforcement Specialist I.....	\$ 14.95	\$ 21.48
88.	Environmental Enforcement Specialist II.....	\$ 16.35	\$ 22.51
89.	Environmental Enforcement Specialist III.....	\$ 17.90	\$ 23.59
90.	Environmental Monitoring Specialist I.....	\$ 13.33	\$ 21.29
91.	Environmental Monitoring Specialist II.....	\$ 14.18	\$ 22.29
92.	Environmental Monitoring Specialist III.....	\$ 15.74	\$ 23.36
93.	Environmental Technician.....	\$ 12.35	\$ 18.56
94.	Family Planning Clerk.....	\$ 9.34	\$ 12.57
95.	Financial Analyst.....	\$ 9.34	\$ 19.69
96.	Financial Counselor.....	\$ 9.34	\$ 20.71
97.	First Press Operator.....	\$ 12.00	\$ 19.76
98.	Fuel System Technician.....	\$ 9.34	\$ 18.30
99.	General Health Aide.....	\$ 9.34	\$ 14.54
100.	General Storekeeper.....	\$ 9.34	\$ 21.83
101.	Geriatric Outreach Worker.....	\$ 9.34	\$ 19.69
102.	Head Cook.....	\$ 9.34	\$ 15.68
103.	Head Storekeeper.....	\$ 9.34	\$ 19.70
104.	Health Educator I.....	\$ 9.34	\$ 17.95
105.	Health Educator II.....	\$ 9.34	\$ 19.69
106.	Heating Inspector.....	\$ 14.23	\$ 20.02
107.	HIV Educator.....	\$ 9.34	\$ 11.46
108.	House Connection Inspector.....	\$ 12.70	\$ 16.74
109.	Housing Inspector.....	\$ 14.60	\$ 17.82
110.	Human Resources Contract Specialist.....	\$ 9.73	\$ 27.13
111.	Human Resources On-the-Job Training Specialist.....	\$ 10.21	\$ 23.07
112.	Human Resources Planner.....	\$ 10.74	\$ 28.66
113.	Human Resources Special Projects Coordinator.....	\$ 10.21	\$ 23.07
114.	Income Tax Tracer.....	\$ 10.04	\$ 15.87
115.	Industrial Hygiene Engineer.....	\$ 9.73	\$ 27.13
116.	Industrial Nuisance Inspector.....	\$ 9.34	\$ 17.95
117.	Information Control Analyst.....	\$ 9.34	\$ 18.79
118.	Inspector of Weight and Measures.....	\$ 9.34	\$ 16.37
119.	Instrumentation Technician I.....	\$ 16.87	\$ 19.28
120.	Instrumentation Technician II.....	\$ 18.83	\$ 21.24
121.	Instrument Repairman.....	\$ 9.34	\$ 18.98
122.	Intake Specialist.....	\$ 9.34	\$ 14.54
123.	Job Retraining Assistant.....	\$ 9.34	\$ 19.69
124.	Junior Cashier.....	\$ 9.34	\$ 15.08
125.	Junior Chemist.....	\$ 9.34	\$ 15.71
126.	Junior City Planner.....	\$ 9.34	\$ 17.95
127.	Junior Civil Engineer.....	\$ 9.34	\$ 17.95
128.	Junior Clerk.....	\$ 9.89	\$ 12.57
129.	Junior Draftsman.....	\$ 9.34	\$ 15.41
130.	Junior Engineering Aide.....	\$ 9.34	\$ 15.71
131.	Lab Coordinator.....	\$ 16.82	\$ 23.88
132.	Laboratory Assistant.....	\$ 9.34	\$ 17.14
133.	Laboratory Helper.....	\$ 9.34	\$ 13.54

134.	Landscape Architect.....	\$ 9.50	\$ 25.63
135.	Lead Pressman.....	\$ 9.34	\$ 19.97
136.	Life Guard.....	\$ 9.34	\$ 14.35
137.	Life Guard Captain.....	\$ 10.00	\$ 17.78
138.	Mechanical Engineer.....	\$ 9.50	\$ 27.13
139.	Messenger.....	\$ 9.34	\$ 13.54
140.	Meter Reader.....	\$ 12.82	\$ 17.12
141.	Minority Business Consultant.....	\$ 11.15	\$ 30.20
142.	Miscellaneous Investigator.....	\$ 9.34	\$ 16.54
143.	Monitoring, Auditing and Evaluation Coordinator.....	\$ 13.65	\$ 19.99
144.	Office Machine Operator.....	\$ 9.89	\$ 13.18
145.	On The Job Training Specialist.....	\$ 12.71	\$ 19.31
146.	Park and Recreation Planner.....	\$ 9.51	\$ 25.63
147.	Parking Attendant.....	\$ 9.34	\$ 14.54
148.	Parking Meter Collector.....	\$ 9.34	\$ 14.51
149.	Parking Meter Serviceman.....	\$ 13.62	\$ 15.27
150.	Permit Processing Specialist.....	\$ 9.34	\$ 12.18
151.	Pharmacist.....	\$ 10.74	\$ 28.65
152.	Pharmacodependent Rehabilitation Counselor I.....	\$ 9.34	\$ 13.90
153.	Pharmacodependent Rehabilitation Counselor II.....	\$ 9.34	\$ 16.42
154.	Photographer.....	\$ 9.34	\$ 19.69
155.	Photographic Laboratory Technician.....	\$ 9.34	\$ 17.14
156.	Photo-Litho Operator.....	\$ 9.34	\$ 15.71
157.	Physical Director.....	\$ 9.34	\$ 17.71
158.	Plan Examiner.....	\$ 9.34	\$ 23.42
159.	Play Director.....	\$ 9.34	\$ 12.41
160.	Police Data Specialist.....	\$ 9.92	\$ 16.38
161.	Police Radio Technician.....	\$ 16.38	\$ 18.66
162.	Pressman.....	\$ 9.34	\$ 19.32
163.	Preventive Health Counselor.....	\$ 13.59	\$ 20.03
164.	Preventive Health Educator.....	\$ 9.34	\$ 13.46
165.	Principal Cashier.....	\$ 9.34	\$ 21.10
166.	Principal Clerk.....	\$ 11.93	\$ 17.85
167.	Print Shop Helper.....	\$ 10.61	\$ 13.30
168.	Private Secretary.....	\$ 9.34	\$ 18.83
169.	Program Analyst.....	\$ 16.64	\$ 27.30
170.	Programmer.....	\$ 9.34	\$ 24.33
171.	Programmer Analyst.....	\$ 9.73	\$ 27.30
172.	Property Clerk.....	\$ 11.37	\$ 30.22
173.	Psychiatric Social Worker.....	\$ 12.48	\$ 19.64
174.	Psychologist I.....	\$ 10.74	\$ 26.12
175.	Psychologist II.....	\$ 12.88	\$ 30.79
176.	Public Health Nursing Aide.....	\$ 10.63	\$ 12.55
177.	Public Health Sanitarian I.....	\$ 12.78	\$ 19.44
178.	Public Health Sanitarian II.....	\$ 14.35	\$ 20.96
179.	Public Health Sanitarian III.....	\$ 15.49	\$ 21.78
180.	Public Health Sanitarian IV.....	\$ 9.34	\$ 26.50
181.	Public Information Officer.....	\$ 9.34	\$ 20.71
182.	Quality Assurance Analyst.....	\$ 9.34	\$ 24.32
183.	Quality Control Coordinator.....	\$ 16.82	\$ 23.89
184.	Radio Dispatcher.....	\$ 17.33	\$ 18.66
185.	Radio Technician.....	\$ 16.38	\$ 18.66
186.	Receptionist.....	\$ 9.34	\$ 13.86
187.	Records Manager.....	\$ 9.84	\$ 14.53
188.	Recreation Aide.....	\$ 9.34	\$ 9.69
189.	Recreation Instructor.....	\$ 9.34	\$ 14.54
190.	Recreation Instructor I.....	\$ 9.34	\$ 15.49
191.	Recreation Instructor II.....	\$ 9.34	\$ 16.09
192.	Recreation Instructor III.....	\$ 9.34	\$ 17.02
193.	Recreation Program Supervisor.....	\$ 9.34	\$ 15.82
194.	Redevelopment Advisor.....	\$ 9.34	\$ 21.83
195.	Redevelopment Coordinator.....	\$ 9.34	\$ 24.33
196.	Refrigeration Inspector.....	\$ 14.26	\$ 20.02
197.	Refugee Outreach Worker.....	\$ 9.34	\$ 13.53
198.	Registered Animal Health Technician.....	\$ 9.34	\$ 14.54
199.	Rehabilitation Advisor.....	\$ 9.34	\$ 18.83
200.	Rehabilitation Inspector.....	\$ 14.60	\$ 24.33
201.	Sanitarian Aide.....	\$ 11.62	\$ 14.11
202.	Second Press Operator.....	\$ 10.00	\$ 17.68



203.	Secretary.....	\$ 9.34	\$ 15.71
204.	Secretary to Director of Consumer Affairs .....	\$ 9.51	\$ 25.63
205.	Senior Assistant Architect.....	\$ 9.34	\$ 21.83
206.	Senior Assistant City Planner .....	\$ 9.34	\$ 21.83
207.	Senior Assistant Civil Engineer .....	\$ 9.34	\$ 21.83
208.	Senior Assistant Electrical Engineer.....	\$ 9.34	\$ 21.83
209.	Senior Assistant Mechanical Engineer.....	\$ 9.34	\$ 21.83
210.	Senior Assistant Traffic Engineer.....	\$ 9.34	\$ 21.83
211.	Senior Bacteriologist.....	\$ 9.34	\$ 18.83
212.	Senior Cashier .....	\$ 9.34	\$ 17.95
213.	Senior Chemist .....	\$ 9.34	\$ 20.71
214.	Senior Clerk .....	\$ 10.29	\$ 14.74
215.	Senior Computer Operator .....	\$ 9.34	\$ 24.33
216.	Senior Contract and Monitoring Specialist .....	\$ 11.34	\$ 25.79
217.	Senior Data Conversion Operator .....	\$ 10.80	\$ 16.38
218.	Senior Development Officer .....	\$ 12.63	\$ 31.91
219.	Senior Draftsman .....	\$ 9.65	\$ 17.61
220.	Senior Engineering Draftsman and Photographer.....	\$ 9.34	\$ 19.69
221.	Senior Information Control Analyst .....	\$ 9.34	\$ 20.71
222.	Senior Laboratory Technician.....	\$ 10.86	\$ 16.02
223.	Senior Landscape Architect .....	\$ 9.73	\$ 27.13
224.	Senior Site Inspector Demolition.....	\$ 9.34	\$ 23.07
225.	Sewer Service Man .....	\$ 14.99	\$ 17.12
226.	Site Inspector.....	\$ 9.34	\$ 20.71
227.	Social Worker for Homeless .....	\$ 13.82	\$ 20.37
228.	Starter (Golf) .....	\$ 9.34	\$ 12.04
229.	S.T.D. Clerk .....	\$ 9.34	\$ 11.63
230.	Stenographer I .....	\$ 9.77	\$ 13.21
231.	Stenographer II.....	\$ 10.77	\$ 14.74
232.	Stenographer III.....	\$ 9.34	\$ 16.37
233.	Stock Clerk.....	\$ 9.34	\$ 16.19
234.	Storekeeper.....	\$ 9.34	\$ 18.44
235.	Street Obstruction Inspector.....	\$ 9.34	\$ 17.14
236.	Surveyor.....	\$ 9.34	\$ 24.33
237.	Tax Auditor I.....	\$ 10.60	\$ 16.66
238.	Tax Auditor II.....	\$ 12.41	\$ 18.42
239.	Technical Specialist .....	\$ 9.34	\$ 20.71
240.	Technical Specifications Writer.....	\$ 9.34	\$ 21.84
241.	Telephone Operator .....	\$ 9.34	\$ 15.08
242.	Telephone Supervisor .....	\$ 9.34	\$ 15.71
243.	Timekeeper.....	\$ 9.34	\$ 15.71
244.	Traffic Engineer .....	\$ 9.50	\$ 25.63
245.	Traffic Sign and Marking Technician .....	\$ 13.68	\$ 15.71
246.	Typist .....	\$ 9.92	\$ 13.68
247.	Urban Planning and Development Technician .....	\$ 9.34	\$ 13.68
248.	Utility Adjuster.....	\$ 10.64	\$ 14.74
249.	Vector Control Assistant.....	\$ 9.34	\$ 13.11
250.	Veteran's Counselor .....	\$ 9.34	\$ 17.83
251.	Water Hydraulic Repairman.....	\$ 14.99	\$ 17.12
252.	Water Meter Repairman .....	\$ 14.99	\$ 17.12
253.	Water Pipe Repairman.....	\$ 13.58	\$ 17.12
254.	Water Serviceman.....	\$ 9.34	\$ 14.62
255.	Water System Construction Inspector .....	\$ 15.67	\$ 21.39

**Section 9.** That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Guard.....	\$ 9.34	\$ 15.45
2. Correctional Officer.....	\$ 12.18	\$ 15.45
3. Institutional Guard.....	\$ 12.18	\$ 15.45

**Section 10.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Bilingual Communication Specialist.....	\$22,882.82	\$34,512.20
2. Police Radio Dispatcher.....	\$22,885.90	\$37,787.92
3. Police Safety Aide.....	\$19,427.20	\$26,902.62
4. Safety Telephone Operator.....	\$21,266.04	\$29,218.77

**Section 12.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Building Stationary Engineer.....	\$ 10.14	\$ 17.98
2. Chief Building Stationary Engineer.....	\$ 12.37	\$ 19.23
3. Chief Stationary Engineer .....	\$ 9.34	\$ 20.43
4. Stationary Boiler Room Operator .....	\$ 12.29	\$ 18.65
5. Water Plant Operator I.....	\$ 15.70	\$ 19.69
6. Water Plant Operator II.....	\$ 17.73	\$ 21.09

**Section 18.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Bridge Attendant.....	\$ 9.34	\$ 14.38
2. Electric Bridge Operator.....	\$ 9.39	\$ 17.36

**Section 20.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Assistant Chief Plumbing Inspector .....	\$31,747.58	\$45,442.08
2. Assistant Plumbing Inspector.....	\$19,427.20	\$37,301.04
3. Community Development Code Enforcement Inspector/Plumbing I.....	\$ 14.83	\$ 21.84
4. Community Development Code Enforcement Inspector/Plumbing II .....	\$ 15.66	\$ 23.08
5. Community Development Code Enforcement Inspector/Plumbing III.....	\$ 16.49	\$ 24.32
6. Plumbing Inspector.....	\$30,094.45	\$43,075.91

**Section 22.** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Nurse II .....	\$19,427.20	\$ 44,901.68
2. Public Health Nurse .....	\$19,427.20	\$ 44,901.68
3. Public Health Nurse I.....	\$23,146.64	\$ 43,718.64
4. Public Health Nurse II.....	\$35,887.06	\$ 42,222.94
5. Public Health Nurse III.....	\$39,098.75	\$ 46,599.60
6. Public Health Nurse IV .....	\$28,151.33	\$ 50,854.66
7. Public Health Nurse V .....	\$30,653.67	\$ 55,907.66
8. Public Health Nurse VI .....	\$35,658.35	\$ 64,619.87
9. Supervising Public Health Nurse .....	\$23,647.11	\$ 49,007.97

**Section 27.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Budget Analyst.....	\$19,427.20	\$ 48,027.87
2. Buyer .....	\$19,427.20	\$ 43,909.55
3. Civil Service Examiner I.....	\$19,427.20	\$ 36,813.77
4. Civil Service Examiner II.....	\$19,427.20	\$ 39,592.43
5. Civil Service Examiner III.....	\$19,427.20	\$ 45,446.40
6. Civil Service Examiner IV.....	\$23,606.98	\$ 56,401.29
7. Court Stenographer .....	\$19,427.20	\$ 36,888.49
8. Docket Clerk.....	\$19,427.20	\$ 32,909.27
9. Junior Personnel Assistant.....	\$19,427.20	\$ 35,666.32
10. Law Librarian.....	\$19,427.20	\$ 35,563.14
11. Legal Secretary.....	\$19,427.20	\$ 41,600.00
12. Misdemeanor Investigator .....	\$19,427.20	\$ 43,069.31
13. Office Manager .....	\$19,427.20	\$ 45,000.00
14. Parking Enforcement Analyst.....	\$19,427.20	\$ 40,374.78
15. Paralegal.....	\$19,427.20	\$ 39,592.55
16. Personnel Assistant.....	\$19,427.20	\$ 42,978.30
17. Private Secretary to Director.....	\$19,427.20	\$ 43,079.73
18. Senior Personnel Assistant .....	\$19,427.20	\$ 45,446.40
19. Tape Librarian.....	\$19,427.20	\$ 37,785.73

**Section 28.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Administrative Officer .....	\$19,427.20	\$ 48,000.35
2. Cable Protection Specialist .....	\$19,427.20	\$ 34,916.09
3. Case Worker Supervisor.....	\$20,065.93	\$ 40,978.30
4. Chief Air Pollution Inspector .....	\$20,065.93	\$ 46,377.15
5. Chief Caseworker Supervisor.....	\$22,426.64	\$ 41,623.16
6. Chief Clerk.....	\$22,050.00	\$ 43,079.97
7. Chief Photographer.....	\$20,065.93	\$ 46,377.15
8. Chief Radio Dispatcher .....	\$25,377.50	\$ 43,387.39
9. Chief Telephone Operator.....	\$19,427.20	\$ 45,337.31
10. Cocaine Treatment Supervisor.....	\$22,426.64	\$ 43,079.97
11. Composing Supervisor.....	\$20,065.93	\$ 39,592.55
12. Consumer Protection Supervisor .....	\$19,427.20	\$ 41,623.16
13. Custodial Worker Supervisor .....	\$19,427.20	\$ 38,287.94
14. Disease Surveillance Specialist .....	\$30,000.00	\$ 60,000.00
15. Epidemiologist.....	\$40,000.00	\$ 75,000.00
16. Personnel Analyst I.....	\$21,000.00	\$ 42,815.94
17. Safety Programs Officer I.....	\$25,000.00	\$ 60,000.00
18. Safety Programs Officer II.....	\$25,000.00	\$ 42,000.00
19. Secretary to Board of Examiner of Board of Review (Electrical) .....	\$19,427.20	\$ 36,043.06
20. Secretary - Boxing and Wrestling Commission.....	\$30,573.46	\$ 32,909.27
21. Superintendent of Maintenance .....	\$23,606.98	\$ 51,844.45
22. Superintendent of Street Cleaning .....	\$25,967.68	\$ 42,294.71
23. Superintendent of Waste Collection .....	\$29,508.73	\$ 51,844.45
24. Supervisor of Income Tax Files.....	\$19,427.20	\$ 36,043.06
25. Supervisor of Storeroom and Mailing.....	\$19,427.20	\$ 32,909.27

**Section 29.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Airport Maintenance Supervisor.....	\$21,019.66	\$ 55,120.00
2. Assistant Chief Building Inspector .....	\$19,427.20	\$ 53,217.22
3. Assistant Chief Housing Inspector.....	\$19,427.20	\$ 46,375.87
4. Assistant Custodian .....	\$19,427.20	\$ 43,908.22
5. Assistant Superintendent of Electrical Generation .....	\$21,019.66	\$ 51,392.31
6. Bridge Inspector.....	\$19,427.20	\$ 37,785.85
7. Bureau Manager - Housing.....	\$26,797.11	\$ 74,429.85
8. Bureau Manager - Demolition.....	\$26,797.11	\$ 74,429.85
9. Bureau Manager - Building .....	\$26,797.11	\$ 74,429.85
10. Cable Production Manager.....	\$20,410.00	\$ 84,320.09
11. Chief Bridge Operator.....	\$19,427.20	\$ 45,445.01
12. Chief of Electric Meter Bureau .....	\$26,274.57	\$ 64,152.29
13. Chief Guard.....	\$19,427.20	\$ 37,578.00
14. Chief Safety Signal System .....	\$ 18.60	\$ 33.34
15. Chief Sidewalk Inspector.....	\$19,427.20	\$ 41,626.61
16. Chief Street Permit Inspector.....	\$19,427.20	\$ 39,592.55
17. Chief of Traffic Signal Unit .....	\$ 18.60	\$ 33.34
18. Community Development Code Enforcement Inspector Supervisor .....	\$34,464.91	\$ 51,515.32
19. Coordinator of Parking Enforcement .....	\$19,427.20	\$ 47,438.90
20. Correctional Supervisor.....	\$19,427.20	\$ 46,377.15
21. District Forester.....	\$31,043.38	\$ 52,860.45
22. Electric Bridge Operator Leader .....	\$ 9.34	\$ 17.52
23. Environmental Assistant.....	\$19,427.20	\$ 46,377.15
24. Field Operations Forester.....	\$32,445.00	\$ 54,857.18
25. General Superintendent of Waste Collection .....	\$30,473.96	\$ 57,774.00
26. House Sergeant.....	\$19,427.20	\$ 33,195.83
27. Instrumentation Supervisor.....	\$29,200.50	\$ 60,840.00
28. Parking Meter Foreman.....	\$24,679.38	\$ 37,354.24
29. Printing Foreman .....	\$28,404.92	\$ 47,197.05
30. Supervisor of Landscape Construction .....	\$19,427.20	\$ 42,294.71
31. Supervisor of Parking Enforcement Unit .....	\$19,427.20	\$ 36,844.64
32. Supervisor of Markets.....	\$19,427.20	\$ 40,978.30
33. Supervisor of Weights and Measures.....	\$19,427.20	\$ 57,651.98

34.	Survey Party Chief .....	\$19,427.20	\$ 51,030.05
35.	Tunnel Maintenance Foreman .....	\$19,427.20	\$ 34,603.01
36.	Tunnel Maintenance Man .....	\$19,427.20	\$ 31,593.60

**Section 30.** That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		<b>Minimum</b>	<b>Maximum</b>
1.	Accountant IV .....	\$19,427.20	\$ 48,834.05
2.	Airport Operations Agent III .....	\$19,427.20	\$ 50,543.24
3.	Assistant Bureau Chief-Demolition .....	\$19,427.20	\$ 48,834.05
4.	Assistant Financial Systems Coordinator .....	\$19,427.20	\$ 48,834.05
5.	Assistant Personnel Administrator .....	\$19,427.20	\$ 50,543.24
6.	Assistant Water Plant Manager .....	\$ 9.34	\$ 30.00
7.	Assistant Water Plant Manager - Parma .....	\$ 9.34	\$ 30.00
8.	Budget and Management Analyst .....	\$19,427.20	\$ 50,543.24
9.	Chief Dog Warden .....	\$19,427.20	\$ 74,360.00
10.	Labor Relations Assistant .....	\$19,427.20	\$ 48,834.05
11.	Rehabilitation Supervisor .....	\$19,427.20	\$ 48,834.05
12.	Superintendent of Sewer Maintenance .....	\$19,427.20	\$ 67,600.00
13.	Supervisor of Architectural Construction .....	\$19,427.20	\$ 50,563.90
14.	Supervisor of Personnel Records .....	\$19,427.20	\$ 48,834.05
15.	Supervisor of Site Development .....	\$19,427.20	\$ 48,834.05
16.	Supervisor of Vital Statistics .....	\$19,427.20	\$ 50,543.24
17.	Systems Analyst .....	\$19,427.20	\$ 56,000.00
18.	Water System Construction Inspector Supervisor .....	\$19,427.20	\$ 56,680.00

**Section 42. Part-Time/Seasonal Group**

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		<b>Minimum</b>	<b>Maximum</b>
1.	Box Office Cashier .....	\$ 10.33	\$ 13.97
2.	Chaplain .....	\$ 9.34	\$ 11.48
3.	Checker .....	\$ 9.34	\$ 9.34
4.	Conservation Aide .....	\$ 9.34	\$ 9.34
5.	Dentist .....	\$ 13.38	\$ 28.58
6.	Head Usher .....	\$ 9.34	\$ 11.35
7.	Law Clerk .....	\$ 9.34	\$ 12.48
8.	Medical Examiner .....	\$ 21.40	\$ 58.61
9.	Organ Tuner .....	\$ 9.63	\$ 25.07
10.	Park Maintenance Aide .....	\$ 9.34	\$ 9.34
11.	Ranger .....	\$ 9.34	\$ 11.20
12.	School Crossing Guard (Per Day) .....	\$ 20.50	\$ 26.00
13.	Section Supervisor .....	\$ 9.34	\$ 9.34
14.	Snow Removal Vehicle Operator .....	\$ 10.40	\$ 15.04
15.	Stage Hand .....	\$ 19.11	\$ 27.34
16.	Stage Hand Casual .....	\$ 20.60	\$ 27.00
17.	Stage Hand - Show Rate (Per Show) .....	\$ 64.89	\$ 88.75
18.	Student Aide .....	\$ 9.34	\$ 9.34
19.	Student Assistant .....	\$ 9.34	\$ 9.34
20.	Usher .....	\$ 9.34	\$ 9.34
21.	Usher Captain .....	\$ 9.34	\$ 9.34

**Section 2.** That the following:

Sections 4 and 7 of Ordinance No. 384-03, passed March 10, 2003,  
 Section 8 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003,  
 Sections 9, 12, 18, and 22 of Ordinance No. 384-03, passed March 10, 2003,  
 Sections 27, 28, 29, and 30 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003;  
 Section 42 of Ordinance No. 384-03, passed March 10, 2003, and  
 Section 46 of Ordinance No. 384-03, passed March 10, 2003, as amended by Ordinance No. 605-03, passed June 10, 2003  
 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 October 13, 2003.

Effective October 16, 2003.

**Ord. No. 1852-03.****By Mayor Campbell.**

**An emergency ordinance authorizing the continuation of City-provided group health and life insurance coverage, under the same terms and conditions currently in effect, and further authorizing a continuation of military leave with pay to all City employees who would otherwise lose such benefits as a result of a call to active military duty.**

Whereas, due to world events, City employees who are in the reserve military forces have been called to active military service; and

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

Whereas, the possible discontinuation of City-provided group health and life insurance and the limitation on military leave with pay under the Codified Ordinances could cause economic and procedural hardships for affected employees and their families; and

Whereas, the City desires to support and assist those City employees who have been called to active military duty and their families who have been financially burdened by the employees' call to active military duty; and

Whereas, Ordinance No. 2188-02, passed December 16, 2002, provided for certain salary payments and the continuation of group health and life insurance benefits for City employees who are members of the reserve military forces who are called to active duty; and

Whereas, the provision of group health and life insurance benefits under Ordinance No. 2188-02 expires on December 16, 2003, and

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

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

**Section 1.** That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, all employees of the City who are in the reserve military forces of the United States and who are now serving or may in the future serve as part of the active military forces of the United States shall be paid by the City throughout such employee's active military service the difference in money between the employee's City pay and the employee's military pay so long as the employee's military pay is less than employee's City pay for the same time period.

**Section 2.** That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the group health and life insurance benefits currently provided to all City employees pursuant to the Codified Ordinances and the City's collective bargaining agreements, shall remain in full force and effect for those City employees otherwise eligible for such benefits, who are in the reserve military forces of the United States and who are now serving or may in the future serve as part of the active military forces of

the United States. Such benefits shall continue for the duration of such employees' active military service, but in no event shall such benefits continue beyond one year from December 16, 2003.

**Section 3.** That to continue the group health insurance benefits in full force and effect, the employee shall be responsible for paying any contributions to the health care premium that the employee is required to pay as an employee.

**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 October 13, 2003.

Effective October 16, 2003.

**Ord. No. 1985-03.****By Council Member Jackson.**

**An emergency ordinance authorizing the Clerk of Council to enter into contract with Legal News Publishing Company for professional services necessary to create, edit, review, publish, and distribute the City Record for Cleveland City Council.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances to the contrary, the Clerk of Council is hereby authorized to enter into contract with Legal News Publishing Co. for professional services necessary to create, edit, review, publish, and distribute the City Record and indexes of the City Record.

**Section 2.** That the term of said contract shall begin on October 14, 2003 and shall be for a period of two (2) years. The cost of said contract shall be paid from Fund Nos. 01 SF 001.

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

Passed October 13, 2003.

Effective October 16, 2003.

**Ord. No. 1986-03.****By Council Member Lewis.**

**An emergency ordinance amending Section 2 of Ordinance No. 1119-03, passed June 10, 2003, as amended by Ordinance No. 1532-03, passed August 13, 2003, as amended by Ordinance No. 1715-03, passed September 8, 2003, and as amended by Ordinance No. 1893-03, passed October 6, 2003 as it pertains to the Project Launch Program through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1119-03, passed June 10, 2003, as amended by Ordinance No. 1532-03, passed August 13, 2003, as amended by Ordinance No. 1715-03, passed September 8, 2003, and as amended by Ordinance No. 1893-03, passed October 6, 2003 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$128,465 and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2 of Ordinance No. 1119-03, passed June 10, 2003, as amended by Ordinance No. 1532-03, passed August 13, 2003, as amended by Ordinance No. 1715-03, passed September 8, 2003, and as amended by Ordinance No. 1893-03, passed October 6, 2003 is hereby repealed.

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

Passed October 13, 2003.

Effective October 16, 2003.

**Ord. No. 1987-03.****By Council Member Lewis.**

**An emergency ordinance amending Section 2 of Ordinance No. 1120-03, passed June 10, 2003, as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003, and as amended by Ordinance No. 1894-03, passed October 6, 2003 as it pertains to the Women of Excellence Program through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1120-03, passed June 10, 2003, as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003, and as amended by Ordinance No. 1894-03, passed October 6, 2003 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$142,572 and shall be paid from Fund No. 10 SF 166.

**Section 2.** That Section 2 of Ordinance No. 1120-03, passed June 10, 2003, as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003, and as amended by Ordinance No. 1894-03, passed October 6, 2003 is hereby repealed.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed October 13, 2003.  
Effective October 16, 2003.

**Ord. No. 1988-03.**  
**By Council Member Scott.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Fellowship Church for an After-school Leaders of Tomorrow Program through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement effective November 3, 2003 to May 30, 2004 with the New Fellowship Church for an After-school Leaders of Tomorrow Program for the public purpose of providing remedial

education to Cleveland school children that have educational deficiencies through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed October 13, 2003.  
Effective October 16, 2003.

Parks: Johnson, Chair; White, Vice Chair; Dolan, Jones, Sweeney, Zone, Pro-Tem. *Authorized Absence:* Cimperman, Rybka.

**11:00 a.m.**

**Public Service Committee:** Present in Public Service: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Cimperman, Brady, Johnson.

**2:00 p.m.**

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

**Tuesday, October 21, 2003**  
**9:30 a.m.**

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

**Wednesday, October 22, 2003**  
**10:00 a.m.**

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

**COUNCIL COMMITTEE MEETINGS**

**Monday, October 20, 2003**  
**9:30 a.m.**

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