

The City Record

Official Publication of the City of Cleveland

October the Ninth, Two Thousand and Two

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE President of Council—Frank G. Jackson

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

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

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

DEPT. OF LAW – Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Room 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 Systems Services – Cleo Henderson, Commissioner, 1404 E. 9th St.
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
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 Bahkur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – 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 Avenue
DIVISIONS: Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Avenue

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

DEPT. OF PARKS, RECREATION & PROPERTIES – James Glending, Acting Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Commissioner, Public Auditorium – E. 6th & Lakeside.
Property Management – Tom Nagle, Commissioner, East 49th & Harvard
Recreation – Michael Cox, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS: Administrative Services – Terrence Ross, Commissioner.
Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.
Neighborhood Services – Louise V. Jackson, Commissioner.
Neighborhood Development – Sharon Dumas, Commissioner.

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director 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.

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; N. Kurt Wiebush, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Joseph Cimperman, Dwayne J. Simpson, Robert Keiser, Executive 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 Emanuela Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

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

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Vol. 89

WEDNESDAY, OCTOBER 9, 2002

No. 4635

CITY COUNCIL

MONDAY, OCTOBER 7, 2002

The City Record

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VALARIE J. McCALL

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney.
Personnel and Operations Committee: Gordon, Chairman; Britt, Cimperman, Coats, Scott.
Mayor's Appointment Committee: Coats, Chairman; Cintron, Reed, Pierce Scott, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, October 7, 2002.

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

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

Also present were Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, Hudecek, Romero, Sims, Guzman, Fumich, Taylor, Ronaye and Wilson, Acting Directors Carrol and Glending, Rodney Jenkins, Executive Assistant, David McGuirk, Executive Assistant, Craig Tame, Executive Assistant, Timothy Mueller, Executive Assistant, Terrell Cole, Erik Janas, Celeste Galascou, Director of Communications and Margreat A. Jackson, Legislative Affairs Liaison, John Goersmeyer and Jeffrey D. Johnson, Special Assistant were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Minister Shawn Stevenson, Sr., of Solomon's Temple Church of God in Christ, located at 17100 Miles Avenue in Ward 1. 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 Zone.

COMMUNICATIONS

File No. 1964-02.

From the Lutheran Services In America re: Seeds of Change, Lutheran Metropolitan Ministry — Summer/Fall 2002/ Volume IV, Issue III. Received.

File No. 1965-02.

From the Department of Law re: Copy of Contract No. 59865, Agreement between the City of Cleveland and Hull & Associates, Inc. Received.

File No. 1966-02.

From the Public Utilities Department re: Contract No. PI 58890, Subsidiary Agreements, Melbourne Avenue Sewer Project. Received.

File No. 1967-02.

From the Northeast Ohio Regional Sewer District re: Annual Report, 2001, Passing On A Legacy. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1968-02.

Re: New Application — 1509870 — City Club of Cleveland, d.b.a. City Club of Cleveland, 850 Euclid Avenue. (Ward 13). Received.

File No. 1969-02.

Re: Transfer of Location Application — 411896900526 — IBPOE of W. Lodge 0052 Spirit of Ohio, d.b.a. Spirit of Ohio Elks Lodge #52, 18526 St. Clair Avenue. (Ward 11). Received.

File No. 1970-02.

Re: Transfer of Ownership and Location Application — 32337240005 — GO Bop, Inc., d.b.a. Bop Stop, 2920 Detroit Avenue. (Ward 13). Received.

File No. 1971-02.

Re: Stock Transfer Application — 4070504 — Hunan Renaissance, Inc., d.b.a. Hunan Renaissance Restaurant, 1350 Euclid Avenue, first floor. (Ward 13). Received.

STATEMENT OF WORK ACCEPTED

File No. 1972-02.

From the Department of Parks, Recreation and Properties re: Contract PI #58072A, Jasper Park Ball Diamond Improvements. Received.

PLATS

File No. 1973-02.

Resubdivision Plat for Lake Pointe Townhouse Development. (Ward 17). Received.

Referred to Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

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

Res. No. 1996-02—Blanche Nofel.

Res. No. 1997-02—Jane McIntyre.

Res. No. 1998-02—William D. Johnson.

Res. No. 1999-02—Melvin Wilson.

Res. No. 2000-02—Howard M. Garrett.

Res. No. 2001-02 — David Byron Wallace.

Res. No. 2002-02—Tony Davis, Jr.

Res. No. 2003-02—Asreo (Del) Rasmussen.

Res. No. 2004-02—Lee Morrow.

Res. No. 2017-02—Paul A. Kiner.

CONGRATULATION RESOLUTIONS

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

Res. No. 2005-02 — Brotherhood of Saints Peter & Paul, Branch 102, UNA.

Res. No. 2006-02—Fantji Na Vasi.

Res. No. 2007-02—Frank Czerwony.

Res. No. 2008-02—Eugene J. Trela.
Res. No. 2009-02—Tymoteusz "Tom" Sujka.

Res. No. 2010-02 — Judith Marie Milenovic.

Res. No. 2011-02—Southern Christian Leadership Conference.

Res. No. 2012-02 — Mark Stephen Bullock.

APPRECIATION RESOLUTIONS

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

Res. No. 2013-02—Marcia P. Goersmeyer.

Res. No. 2014-02—Pastor K. Selesie Simmons.

Res. No. 2015-02—Bishop Clifford L. Kimbrough.

WELCOME RESOLUTION

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

Res. No. 2016-02—Mayor Willie L. Brown, Jr.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1974-02.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Systems & Computer Technology Corporation for technical support for the banner system for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Systems & Computer Technology Corporation for professional services necessary to provide technical support for the banner system for the Division of Cleveland Public Power on the basis of their proposal dated September 3, 2002, in the total sum of \$774,922.84, payable from Fund No. 58 SF 001, Request No. 122429, for the Department of Public Utilities.

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

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

Ord. No. 1975-02.

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

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to partially finance Phase I-B of the Chemical Rehabilitation Project at the Baldwin Water Treatment Plant; determining the method of making the public improvement of constructing those improvements; and authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement.

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

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

Section 1. That the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of \$12,000,000 to partially finance constructing Phase I-B improvements in conjunction with the Chemical Rehabilitation Project at the Baldwin Water Treatment Plant, including but not limited to installing chemical feed systems, piping, valves, storage tanks, chemical storage rooms, feed points, appurtenances, chemical monitoring equipment, instrumentation and controls systems (the "Improvement").

Section 2. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, which loan agreement shall be in substantially the same form as the Water Supply Revolving Loan Account Agreement, File No. 1975-02-A, and shall contain such additional terms as are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the funds under the loan agreement; and the loan funds are appropriated for the purposes set forth in the loan agreement.

Section 3. That upon execution of the loan agreement, the Director of

Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the loan agreements, from the operating revenues of the Division of Water.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing the Improvement, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the above public improvement with the lowest responsible bidder or bidders 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 such trades or components may be the subject of a separate contract for a gross price. Upon 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 6. That the costs for the Improvement authorized by this ordinance shall be paid from the fund or funds to which are credited the loan proceeds received as authorized by this ordinance, from the fund or funds which are credited the proceeds of waterwork bonds authorized for this purpose, and from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225 and 52 SF 227, Request No. 12095.

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

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

Ord. No. 1976-02.

By Council Member Cimperman.

An emergency ordinance to vacate a portion of East 51st Place hereinafter described.

Whereas, on the day of August 15, 2001, the Council of the City of Cleveland adopted Resolution No. 1590-01 declaring its intention to vacate a portion of East 51st Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1590-01 has been served upon the owners of all the property abutting East 51st Place affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of East 51st Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 51st Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of East 51st Place (30 feet wide), extending Southerly from that portion of East 51st Place vacated by the Council of the City of Cleveland by Ordinance Number 1758-53, passed June 29, 1953, to its Southerly terminus, be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 51st Place, herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1977-02.

By Council Member Cintron.

An emergency ordinance to vacate a portion of West 37th Place hereinafter described.

Whereas, on the day of June 12, 1995, the Council of the City of Cleveland adopted Resolution No. 705-95 declaring its intention to vacate a portion of West 37th Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 705-95 has been served upon the owners of all the property abutting West 37th Place affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of West 37th Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 37th Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real prop-

erty: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of West 37th Place (10 feet wide) extending Southerly from a point 70 feet South of Chatham Avenue S.W. (50.00 feet wide) to the Westerly prolongation of the Northerly line of Elvira Court S.W. (10.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Cleveland Public Power equipment.

The description of the easement is as follows:

That portion of West 37th Place (10 feet wide) extending Southerly from a point 70 feet South of Chatham Avenue S.W. (50.00 feet wide) to the Westerly prolongation of the Northerly line of Elvira Court S.W. (10.00 feet wide).

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 37th Place, herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1978-02.

By Council Member O'Malley.

An emergency ordinance to vacate a portion of Concord Court S. W. hereinafter described.

Whereas, on the day of April 29, 2002, the Council of the City of Cleveland adopted Resolution No. 292-02 declaring its intention to vacate a portion of Concord Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 292-02 has been served upon the owners of all the property abutting Concord Court S.W. affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of West Concord Court S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Concord Court S.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of Concord Court S. W. (14 feet wide), extending from the Easterly line of West 50th Street (60.00 feet wide), Easterly, to the Westerly line of West 49th Street (50.00 feet wide), be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Concord Court S.W., herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1979-02.

By Council Member Rybka.

An emergency ordinance to vacate a portion of East 73rd Place hereinafter described.

Whereas, on the day of November 27, 2000, the Council of the City of Cleveland adopted Resolution No. 1605-00 declaring its intention to vacate a portion of East 73rd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1605-00 has been served upon the owners of all the property abutting East 73rd Place affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 2002, the Board of Revision of Assessments approved the vacation of East 73rd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 73rd Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the following described real property: situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of East 73rd Place situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of East 73rd Place (40.00 feet wide) extending Southerly from the Southerly line of Aetna Road S.E. (40.00

feet wide) to its Southerly Terminus, be and the same is hereby vacated.

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

The description of the easement is as follows:

That portion of East 73rd Place (40.00 feet wide), extending Southerly from the Southerly line of Aetna Road S.E. (40.00 feet wide) to its Southerly terminus.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 73rd Place, herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1980-02.

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

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 2003 general obligation bonds issued for road and bridge improvements; and authorizing the Mayor to accept grants from the Ohio Public Works Commission for improvements to Grayton Road, Stokes Boulevard, West 105th Street and Euclid Avenue.

Whereas, pursuant to Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, pursuant to Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding of the

following infrastructure capital improvement projects:

1. Grayton Road (from Puritas Avenue to I-480);

2. Stokes Boulevard (from Chester Avenue from MLK, Jr. Drive);

3. West 105th Street (from Lorain Avenue to Bellaire Road); and

4. Euclid Avenue (from the East Cleveland corporation line to the Euclid corporation line).

Section 2. That the Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's 2003 general obligation bonds issued for bridge and road improvements.

Section 3. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$2,008,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Grayton Road (from Puritas Avenue to I-480); that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$502,000, to be paid from the fund or funds to which are credited revenues of the Department of Public Utilities and the proceeds of the sale of general obligation bonds issued for this purpose.

Section 4. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$3,760,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Stokes Boulevard (from Chester Avenue from MLK, Jr. Drive); that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$940,000, to be paid from the fund or funds to which are credited revenues of the Department of Public Utilities and the proceeds of the sale of general obligation bonds issued for this purpose.

Section 5. That the Mayor is hereby authorized to accept a grant in the approximate amount of \$3,600,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating West 105th Street (from Lorain Avenue to Bellaire Road); that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$900,000, to be paid from the fund or funds to which are credited revenues of the Department of Public Utilities and the proceeds of the sale of general obligation bonds issued for this purpose.

Section 6. That the Mayor is hereby authorized to accept a grant in

the approximate amount of \$3,368,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Euclid Avenue (from the East Cleveland corporation line to the Euclid corporation line); that the Mayor is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes of the grant including the obligation of the City of Cleveland to provide cash matching funds in the approximate amount of \$482,000, to be paid from the fund or funds to which are credited revenues of the Department of Public Utilities and the proceeds of the sale of general obligation bonds issued for this purpose.

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

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

Ord. No. 1981-02.

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

An emergency ordinance authorizing the purchase by contract or contracts of labor and materials necessary to remove and replace not to exceed five pumps, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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 make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to remove and replace not to exceed five pumps, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 11 SF 006, 20 SF 184, 20 SF 332 and 20 SF 355, Request No. 120111.

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 1982-02.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance providing for the issuance and sale of Revenue Bonds in a principal amount not to exceed \$27,400,000 to provide funds for the Core City Program for Economic and Community Development in the city and authorizing related matters.

Whereas, the City is authorized by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII of the Ohio Constitution and Chapter 165 of the Revised Code, among other things, to issue bonds to acquire, construct, equip, or improve one or more projects (as defined in Section 165.01 of the Revised Code) for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio, including providing money to make loans to others for such purposes; and

Whereas, the City further is authorized by virtue of the laws of the State of Ohio, including without limitation, Section 16 of Article VIII of the Ohio Constitution, laws of the State of Ohio and ordinances of the City, among other things, to issue bonds to provide housing for individuals and families by grants, loans, subsidies to loans and otherwise; and

Whereas, to create and preserve jobs and employment opportunities and to improve housing for individuals and families, the City has determined to issue its Taxable Economic and Community Development Revenue Bonds (Core City Fund), to provide for industrial, commercial, distribution and research facilities and residential housing, including providing money to make loans to others for such purposes; and

Whereas, it is necessary to issue those Bonds and to do so as soon as possible to address financing needs of pending economic and community development projects and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance including its preambles, unless the context or use clearly indicates another or different meaning or intent:

"Bond Fund" means the Core City Program Bond Retirement Fund established pursuant to Section 7.

"Bond Reserve Fund" means the Core City Program Bond Reserve Fund established pursuant to Section 7.

"Bonds" means the Bonds authorized by this Ordinance.

"Book entry form" or "Book entry system" means a form or system under which (a) the ownership of book entry interests in the Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the physical Bond certificates "immobilized" in the custody of the Depository or its agent.

The book entry system is maintained by and is the responsibility of the Depository and not the City or the Bond Registrar. The book entry is the record that identifies, and records the transfer of the interests of, the owners of beneficial (book entry) interests in the Bonds.

"Certificate of Award" means the certificate authorized by Section 6, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their amount, issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined in it.

"Continuing Disclosure Certificate" means the certificate authorized by Section 11, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Bonds in accordance with the Rule.

"Corporation" means the community improvement corporation organized under Revised Code Chapter 1724 and designated by this Council as the "agency" of the City within the meaning of Revised Code Chapter 165.

"Credit Support Instrument" means a letter of credit, an insurance policy, standby bond purchase agreement, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in Bonds or the principal of and interest on the Bonds, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Economic Development Plan" means the plan of industrial, commercial, distribution and research development prepared by the Corporation and approved by this Council.

"Financial Advisor" means Government Capital Management, L.L.C. or Columbia Equity Financial Corp., acting jointly or singly.

"Housing Advisory Board" means the housing advisory board established or designated by the City under Revised Code Section 176.01.

"Housing Plan" means the City's plan for the development and maintenance of affordable housing within the City, reviewed by the Housing Advisory Board and approved by this Council.

"Net Project Revenues" means Revenues, if any, remaining and available to pay debt charges on the Bonds after the application by the City of the Revenues to make grants or loans for additional economic development projects in the City.

"Nontax Revenues" means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt charges on the Bonds, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General

Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City's General Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

"Original Purchaser" means the original purchasers of the Bonds: J.P. Morgan Securities Inc., McDonald Investments Inc. and SBK-Brooks Investment Corp.

"Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Trust Agreement, the Continuing Disclosure Certificate and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

"Project" collectively refers to the Core City Fund Program and individually refers to each Project receiving funding from the proceeds of the Bonds.

"Project Fund" means the Project Fund established pursuant to Section 10, including the Economic Development Account, the Housing Account, and the Undesignated Account.

"Revenues" means the rentals, revenues, payments, repayments, income, charges, and moneys derived or to be derived from the use, lease, sublease, rental, sale, including installment sale or conditional sale, or other disposition of individual Projects, or derived or to be derived from a loan made for a Project.

"Rule" means SEC Rule 15c2-12.

"State" means the State of Ohio.

"Trustee" means the bank or trust company designated in the Certificate of Award to serve as trustee, paying agent and registrar for the Bonds under the Trust Agreement.

"Trust Agreement" means the agreement authorized in Section 9 to provide for the registration, transfer, exchange of the Bonds and the security for the payment of the Bonds.

Unless otherwise indicated, any reference to a Section is a reference to a Section of this Ordinance.

Section 2. Authorized Principal Amount and Purpose. This Council determines that the Core City Fund Program (i) is a "project" as defined in Revised Code Chapter 165 and is consistent with the purposes of Section 13, Article VIII of the Ohio Constitution to benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State, or (ii) is consistent with the purposes of Section 16, Article VIII of the Ohio Constitution to assist in providing housing for individuals and families. It is necessary and proper and in the best interest of the City to, and the City shall, issue the Bonds in an aggregate principal amount not to exceed \$27,400,000 for the purpose of providing the funds necessary for the Project. The final aggregate principal amount of the Bonds will be determined in the Certificate of Award as provided in Section 6 hereof.

Section 3. Terms of Bonds. The Bonds shall be dated the date of issuance or such other date as is designated in the Certificate of Award. The Bonds shall mature on the dates and in the respective principal amounts to be determined by the Director of Finance in the Certificate of Award in accordance with his determination of the best interest of, and financial advantages to, the City; provided that the final maturity date shall be not later than 30 years from the date of issuance of the Bonds. The Bonds shall bear interest from their date at the rate or rates per year set forth in the Certificate of Award, or if any Bonds bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Bonds shall be payable on the dates determined by the Director of Finance in the Certificate of Award, and the Bonds shall bear interest at those rates until the principal amount of the Bonds is paid or payment is provided for. If any Bonds bear interest at a fixed rate, that rate shall not exceed eight percent (8%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Bonds bear interest at a variable rate or rates, those rates shall not exceed that set forth below, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

The Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Bonds of each series satisfy the requirements of this Ordinance. Separate series of Bonds may be issued at the same or different times. The Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award may be delivered for each Series. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing all or a portion of the Bonds to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Bonds shall not bear interest at a rate in excess of sixteen percent (16%) per year. Notwithstanding that limitation, Bonds held by a provider of a Credit Support Instrument may bear interest at a rate not in excess of twenty-five percent (25%) per year as provided in the agreement with the provider of the Credit Support Instrument. Holders of variable rate Bonds may be given the right to tender their variable rate Bonds for purchase by the City

at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Bond. If the Director of Finance designates any Bonds as variable rate Bonds, and if the holders of the variable rate Bonds are to be entitled to tender the variable rate Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Bonds the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Bonds, and from time to time thereafter so long as the variable rate Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents, and others as may be determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Bonds, and regardless of the Bonds bearing interest at variable or fixed rates, is authorized to contract for one or more Credit Support Instruments, and to pay their costs from proceeds of the Bonds, if he determines that the Credit Support Instrument or Instruments will result in a savings in the cost of this financing to the City, based on the written advice of a Financial Advisor.

The Director of Finance, based on the written advice of a Financial Advisor, shall further determine and specify in the Certificate of Award whether any of the Bonds are subject to optional redemption prior to maturity, the earliest date on which redeemable Bonds shall be subject to prior redemption, which shall not be later than ten years from the first interest payment date, and the applicable redemption premium for the redeemable Bonds, which shall be not greater than 103% of the principal amount redeemed.

Section 4. Registration, Transfer and Exchange. The Bonds shall be issued only as fully registered Bonds. The Trustee shall act as the authenticating agent, registrar, transfer agent, and paying agent for

the Bonds, except as otherwise provided in the Trust Agreement.

Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Trustee designated in the Trust Agreement. Interest on each Bond shall be paid on each interest payment date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Register (defined below in this Section) at the close of business on the record date provided in the Trust Agreement. The Trustee shall maintain and keep all books and records necessary for the registration, exchange, and transfer of Bonds as provided in the Trust Agreement (the "Register") so long as any of the Bonds remain outstanding. Subject to the provisions in the Trust Agreement, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Trustee shall be affected by any notice to the contrary, but the registration may be changed as provided in the Trust Agreement. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Bonds may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office designated by the Trustee, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Trustee.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book entry interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of

Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance also is hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 5. Execution of Bonds. Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Trustee as authenticating agent, and authentication by the Trustee shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Trustee or by any other person acting as an agent of the Trustee and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature. The Bonds shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single bond certificate and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Bonds. The Bonds may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Bonds in denominations less than \$100,000, or (b) \$5,000 or

any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Bonds shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 6. Sale of Bonds. The Bonds shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If the Director of Finance determines, based on the written advice of a Financial Advisor, that an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a bond purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. Security for the Bonds. The Bonds shall be special obligations of the City, and the debt charges on the Bonds shall be payable solely from the Net Project Revenues and the Nontax Revenues. The payment of debt charges on the Bonds is secured by the Trust Agreement and by a pledge of and lien on the Bond Fund and the Bond Reserve Fund held by the Trustee under the Trust Agreement. The Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge

of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges thereon. The Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the Net Project Revenues and the Nontax Revenues and are not secured by an obligation or pledge of any money raised by taxation.

The City covenants and agrees that while the Bonds are outstanding, it will appropriate and maintain Nontax Revenues at such times and in such amounts as will be sufficient, together with the Net Project Revenues and any other funds available for the purpose, to pay the debt charges on the Bonds and will so restrict other obligations payable from Nontax Revenues prior to or on a parity with the Bonds as will ensure the continuing availability for appropriation of sufficient Nontax Revenues to pay debt charges when due.

There is created by the City in the custody of the Trustee a separate fund or account designated as the Core City Program Bond Retirement Fund (the "Bond Fund") into which shall be deposited (i) any Net Project Revenues, and (ii) other Nontax Revenues on or prior to the date debt charges on the Bonds are due, in an amount sufficient to pay those debt charges. There is created by the City in the custody of the Trustee another separate fund or account designated as the Core City Program Bond Reserve Fund (the "Bond Reserve Fund"). On the date of delivery of the Bonds there shall be deposited in the Bond Fund and Bond Reserve Fund from the Nontax Revenues in Economic Development Land Sale Fund No. 10-504 of the City or from proceeds of the Bonds or by Credit Support Instrument the respective amounts set forth in the Certificate of Award as being sufficient, in the opinion of the Director of Finance based on the written advice of a Financial Advisor, to enhance the marketability of the Bonds and to enable the City to stabilize its budget against fluctuations in the receipt of Nontax Revenues. Money in the Bond Fund and Bond Reserve Fund shall be applied and invested as provided in the Trust Agreement. Amounts drawn on the Bond Reserve Fund shall be restored to the extent, and over the period of time, provided in the Trust Agreement. The City shall apply funds for that purpose from the following sources and in the following priority: first from the Net Project Revenues, second from the Nontax Revenues in Economic Development Land Sale Fund No. 10-504, third from other Nontax Revenues. In consideration of the availability of the Nontax Revenues to the Core City program, there shall be transferred to Fund No. 01-001 following passage of this Ordinance amounts on deposit as of the date of passage in Economic Development JDA Highland Hills Shared Income Tax Fund No. 10-5-28 and in Economic Development JDA Chagrin Highland Fund No. 10-5-27.

Section 8. Payment of Debt Charges on the Bonds. Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Bonds any funds or revenues from any

source other than Net Project Revenues and the Nontax Revenues. Subject to the requirements of Revised Code Section 176.04, nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Bonds.

The City will, solely from the proceeds of the Bonds or from the Net Project Revenues or the Nontax Revenues, pay or cause to be paid the debt charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds. For that purpose, in each year while the Bonds are outstanding, this Council, after providing for the payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate Nontax Revenues required to pay, and for the purpose of paying, the debt charges due in that year on the Bonds (less other money available for the purpose) and any outstanding parity obligations payable from Nontax Revenues. Further, this Council will give effect to such appropriations in all ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt charges. The City covenants that, so long as any of the Bonds are outstanding, it shall not issue any additional obligations payable from the Nontax Revenues on a parity with the Bonds and any outstanding parity obligations payable from Nontax Revenues, unless, prior to passage of the ordinance authorizing such parity obligations, the Director of Finance shall have certified to this Council that the Nontax Revenues during the preceding calendar year, adjusted to reflect, if necessary, changes in the rates or charges resulting in the Nontax Revenues, aggregate in amount not less than 100% of the highest amount of (a) debt charges on the Bonds and (b) required payments on such proposed parity obligations and any outstanding parity obligations due in any succeeding calendar year.

Each obligation of the City required to be undertaken pursuant to this Ordinance and the Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation, as a duty of the City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Revised Code, providing for enforcement by writ of mandamus.

Section 9. Trust Agreement. The City shall enter into the Trust Agreement with a bank or trust company designated as Trustee for the Bonds by the Director of Finance in the Certificate of Award, based on the written advice of a Financial Advisor, that the entity so designated possesses the requisite

resources to provide the services of Trustee under the Trust Agreement and that the terms on which it has agreed to provide the services of Trustee are fair and commercially reasonable. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Trust Agreement in a form consistent with this Ordinance and approved by the Director of Law. The Mayor and the Director of Finance and other City officials, as appropriate, are authorized to take such actions and sign and deliver such related instruments as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 10. Project Fund; Deposit of Proceeds. The proceeds from the sale of the Bonds are appropriated and shall be used for the purpose for which the Bonds are being issued. There is created by the City, as a separate fund or account, in the custody and control of the Trustee, a fund designated the "Core City Program Project Fund" (the "Project Fund"). Within the Project Fund the City shall establish as accounts or subaccounts: the Economic Development Account, the Housing Account and the Undesignated Account. The proceeds from the sale of the Bonds shall be deposited initially in the Undesignated Account of the Project Fund. Additional funds, from whatever source, may be voluntarily deposited in any account of the Project Fund by the City. Funds in the Undesignated Account of the Project Fund may be transferred to the Economic Development Account to pay costs of a Project, or to make loans to others to pay costs of that Project, consistent with Revised Code Chapter 165, following certification of the Project by the Corporation as being in accordance with the Economic Development Plan. Funds in the Undesignated Account of the Project Fund may be transferred to the Housing Account of the Project Fund to pay costs of a Project for residential housing, or to make grants or loans to others or subsidies to loans or otherwise to pay costs of that Project, upon certification to the Trustee by the Director of Community Development or the Director of Finance of the City that the Project is consistent with the Housing Plan and was submitted for review to the Housing Advisory Board, all pursuant to Revised Code 176.04. Money in the respective accounts of the Project Fund are appropriated for, and shall be used to pay, costs of Projects consistent with the requirements of this Ordinance. The City may establish additional accounts or subaccounts within the Project Fund as necessary or convenient to ascertain the dates, amounts and sources of deposits. At such time as disbursements are to be made from the Project Fund to pay costs of a Project, the City shall direct the Trustee to transfer amounts in the applicable account of the Project Fund to the City for subsequent disbursement by the City for Project purposes. Any portion of the proceeds of the Bonds to be used to pay interest on the Bonds shall be deposited in a capitalized interest subaccount of the Project Fund. Any premium and accrued interest received from the sale of the Bonds shall be deposited in the Bond Fund.

Section 11. Disclosure. If, in the judgment of the Director of Finance, after consultation with a Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Bonds, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Bonds, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment, and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 12. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance, based on written advice of a Financial Advisor, the filing of an application for a rating on the Bonds by one or more nationally recognized rating agencies or one or more Credit Support Instruments is in the best interest of, and financially advantageous to, the City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or credit provider such information as may be required for the purpose. The cost of obtaining each rating and each Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Bonds.

Section 13. Interest Rate Hedges and Other Arrangements. For the purpose of achieving the optimal available debt structure for the

Bonds, the Director of Finance may, based on the written advice of a Financial Advisor, enter into one or more agreements in anticipation of, in connection with or subsequent to the issuance of the Bonds for an interest rate swap, an interest rate cap or other arrangements to lower the effective interest rate on the obligations of the City or to hedge the exposure of the City against fluctuations in prevailing interest rates or to optimize the City's cash flow, provided, however, that: (i) the counterparty to any such agreement or arrangement shall have a rating of at least "A" by either Moody's Investors Service, Inc., or Standard & Poor's Corporation; (ii) no such agreement or arrangement shall purport to entitle the counterparty or provider to payment by the City from any source other than the sources of payment for the Bonds as described in this Ordinance; (iii) the terms of the agreements or arrangements shall have been determined by the Director of Finance, based on the written advice of a Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions.

Section 14. Prevailing Rates of Wages. As provided in Revised Code Section 165.031, all wages paid to laborers and mechanics employed on a Project funded from the Economic Development Account of the Project Fund shall be paid at not less than the prevailing rates of wages for laborers and mechanics for each class of work called for by the Project, which wages shall be determined in accordance with the requirements of Chapter 4115 of the Ohio Revised Code, for determination of prevailing wage rates; provided that the requirements of this Section shall not apply where the federal government or any of its agencies furnished or furnishes by loan or grant all or any part of the funds used or to be used in connection with the Project and prescribed or prescribes predetermined minimum wages to be paid to such laborers and mechanics; and provided further that, if a nonpublic user beneficiary undertakes, as a part of the Project, construction to be performed by its regular bargaining unit employees who are covered by a collective bargaining agreement that was in existence prior to the date of adoption of this Ordinance, the rate of pay provided under the applicable collective bargaining agreement may be paid to such employees. If and to the extent required by Revised Code Section 176.05, all wages paid to laborers and mechanics employed on a Project funded from the Housing Account of the Project Fund shall be paid at not less than the residential prevailing rate of wages for laborers and mechanics for each class of work called for by the Project, which wages shall be determined as provided in Section 176.05.

Section 15. Certifications of Community Improvement Corporation. Prior to delivery of the Bonds, the Core City Fund program shall be certified to be in accordance with the Plan by the Corporation as the agency of the City for industrial, commercial, distribution and research facilities development within the City. Each individual Project shall be so certified by the Corpo-

ration prior to receiving proceeds of the Bonds by loan or otherwise.

Section 16. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Bonds authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, Bonds, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 18. Satisfaction of Conditions. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Bonds.

Section 19. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 20. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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, Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1983-02.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Directors of Aging and Consumer Affairs to apply for and accept a grant from the Bruening Foundation for educational workshops on predatory lending for senior citizens; and to enter into one or more contracts with various consultants to implement the project.

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

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

Section 1. That the Directors of Aging and Consumer Affairs are authorized to apply for and accept a grant in the approximate amount of \$55,000, from Bruening Foundation, to conduct educational workshops on predatory lending for senior citizens, for the purposes set forth in the summary and according thereto; that the Directors of Aging and Consumer Affairs are 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 summary for the grant.

Section 2. That the summary for the grant, File No. 1983-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

Section 3. That the Directors of Aging and Consumer Affairs are authorized to enter into one or more contracts with various consultants to coordinate, plan and present workshops in conjunction with the project.

Section 4. That the costs for the services shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and which are appropriated for this purpose.

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 Aging, Consumer Affairs, Finance, Law; Committees on Community and Economic Development, Finance.

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1984-02.

By Council Members Gordon, O'Malley, Sweeney, Cimperman and Jackson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate a temporary easement and fee simple property interests for public use in connection with the widening of Memphis 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 widening Memphis Avenue, it is necessary to appropriate fee simple property interests for public use and this Council declares its intent to appropriate fee simple property interests in and to the following described property:

Parcel No 17
 Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 187 in Blaser Realty Company's Brook-

side Park Subdivision of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53+73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 469.11 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 36.76 feet to a point;

Thence S 44° 51' 38" E along the proposed right-of-way line of Memphis Avenue a distance of 7.09 feet to a point on the Westerly right-of-way line of West 50th Street;

Thence N 00° 02' 05" W along the Westerly right-of-way line of West 50th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 41.96 feet to a point; Thence S 00° 16' 25" E along the Westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains 221 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 21

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, being part of Sublot Nos. 143 and 146 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43 as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53+73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 202.16 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence N 89° 41' 05" W along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 175.22 feet to a point;

Thence S 45° 09' 32" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of

7.05 feet to a point on the Easterly existing right-of-way line of West 50th Street;

Thence N 00° 02' 05" W along the Easterly existing right-of-way line of West 50th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence S 89° 41' 05" E along the Southerly existing right-of-way line of Memphis Avenue a distance of 180.18 feet to a point on the Easterly property line;

Thence S 00° 22' 05" E along the Easterly property line a distance of 5.00 feet to the true place of beginning;

It is understood that the strip of land above described is made up of three strips, one of 313 S.F., another of 400 S.F. and the third of 200 S.F., totaling an area of 913 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 23

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 89 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53+73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 81.16 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence N 89° 41' 05" W along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 31.00 feet to a point;

Thence S 44° 58' 22" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 7.03 feet to a point on the Easterly line of West 49th Street;

Thence N 00° 22' 05" W along the Easterly existing right-of-way line of West 49th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence S 89° 41' 05" E along the Southerly existing right-of-way line of Memphis Avenue a distance of 36.00 feet to a point;

Thence S 00° 22' 05" E along the Easterly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 193 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal

highways, easements, and restrictions of record.

Parcel No. 24

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 88 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot No. 43 as shown by the recorded plat in Volume 57 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53+73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 81.16 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 37.00 feet to a point;

Thence N 00° 22' 05" W along the Easterly property line a distance of 5.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 37.00 feet to a point;

Thence S 00° 22' 05" E along the Westerly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 185 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 28

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot Nos. 2 and 3 in Blaser Realty Company's Brookside Park Subdivision of part of Original Brooklyn Township Lot County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53+73.30;

Thence S 89° 41' 05" E along the right-of-way centerline of Memphis Avenue a distance of 220.84 feet to a point;

Thence S 00° 18' 55" W a distance of 35.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence N 89° 41' 05" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 68.00 feet to a point;

Thence S 44° 58' 25" W along the Southerly proposed right-of-way line of Memphis Avenue a distance of 7.03 feet to a point on the Easterly right-of-way line of West 48th Street;

Thence N 00° 22' 05" W along the Easterly right-of-way line of West 48th Street a distance of 10.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence S 89° 41' 05" E along the Southerly existing right-of-way line of Memphis Avenue a distance of 73.00 feet to a point on the Easterly property line;

Thence S 00° 22' 05" E along the Easterly property line a distance of 5.00 feet to the true place of beginning.

It is understood that the strip of land above described contains an area of 378 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 12

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 151 in the Lowrie Company's Brookside Park Addition of part of Original Brooklyn Township Lot No. 43, as shown by the recorded plat in Volume 41 of Maps, Page 3 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Southerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found on the right-of-way centerline of Memphis Avenue Station 53 + 73.30;

Thence N 89° 41' 05" W along the right-of-way centerline of Memphis Avenue a distance of 865.04 feet to a point;

Thence S 00° 18' 55" W a distance of 43.00 feet to a point on the Southerly proposed right-of-way line of Memphis Avenue, being the true place of beginning;

Thence S 89° 41' 05" E along the Southerly proposed right-of-way line of Memphis Avenue, a distance of 40.00 feet to a point;

Thence N 00° 16' 25" W along the Easterly property line a distance of 13.00 feet to a point on the Southerly existing right-of-way line of Memphis Avenue;

Thence N 89° 41' 05" W along the Southerly existing right-of-way line of Memphis Avenue a distance of 40.00 feet to a point;

Thence S 00° 16' 25" E along the Westerly property line a distance of 13.00 feet to the true place of beginning.

It is understood that the strip of land above described contains 520 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Section 2. That for the public purpose of widening Memphis Avenue, it is necessary to appropriate a temporary easement for public use and this Council declares its intent to

appropriate a temporary easement in and to the following described property:

Parcel No. 5T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Township 7N, Range 13W, and known as part of Sublot No. 57 in the Memphis Ridge Subdivision of part of Original Brooklyn Township Lot No. 44, as shown by the recorded plat in Volume 56 of Maps, Page 24 of Cuyahoga County Records and bounded and described as follows:

Being a parcel of land lying on the Northerly side of Memphis Avenue and located within the following described points in the boundary thereof:

Commencing at a monument found at the intersection of right-of-way centerline of Memphis Avenue and West 58th Street at Station 32 + 79.26;

Thence South 89° 41' 05" East along the right-of-way centerline of Memphis Avenue a distance of 757.60 feet to a point;

Thence North 00° 18' 55" East a distance of 43.00 feet to a point on the Northerly proposed right-of-way line of Memphis Avenue at its intersection with the Westerly line of a parcel of land conveyed to Sam & Geraldine Giurbino by deed dated July 1, 1987 and recorded in Volume 87-4409, Page 50 of Cuyahoga County Records, and being the true place of beginning;

Thence North 00° 20' 58" West along the Westerly property line a distance of 57.00 feet to a point;

Thence South 89° 41' 05" East a distance of 31.50 feet to a point on the Easterly property line of Sublot No. 57;

Thence South 00° 28' 58" East along the Easterly property line a distance of 57.00 feet to a point on the proposed right-of-way line of Memphis Avenue;

Thence North 89° 41' 05" West along the proposed right-of-way line of Memphis Avenue a distance of 31.50 feet to the true place of beginning.

It is understood that the strip of land above described contains 1795.5 S.F., more or less according to a survey dated January, 1992 by Bemba K. Jones, P.S., Registered Ohio Professional Surveyor No. 7343, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Section 3. 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, and such 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 4. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of 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. 1985-02.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1549-02, passed September 16, 2002, relating to a grant from the Clean Ohio Assistance Fund for Phase II remediation on property located at Ivanhoe and East 152nd Street for the future development of an industrial park and a contract with Second Growth.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1549-02, passed September 16, 2002, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant for Phase II remediation on property located at 1088 Ivanhoe Road, 1050 Ivanhoe Road, **1115 East 152nd Street and 1146 East 152nd Street** to be used for the future development of a 40-acre industrial park to be located at Five Points; and authorizing said Director to enter into contracts with Second Growth to implement the project.

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in the approximate amount of **\$362,214** from the Clean Ohio Assistance Fund, for a Clean Ohio Assessment Grant to conduct the Phase II remediation on property located at 1088 Ivanhoe Road, 1050 Ivanhoe Road, **1115 East 152nd Street and 1146 East 152nd Street** to be used for the future development of a 40-acre industrial park to be located at Five Points, for the purposes set forth in the summary and according thereto; that the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under said grant and that said funds be and they are hereby appropriated for the purposes set forth in the summary for said grant.

Section 2. That the existing title and Section 1 of Ordinance No. 1549-02, passed September 16, 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.

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. 1986-02.

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

An emergency ordinance approving the collective bargaining agreement with City, County and Waste Paper Drivers Union, Local No. 244 and City, County and Waste Paper Drivers Union, Local 244 Seasonal; and to amend Sections 15 and 42 of Ordinance No. 469-02, passed April 1, 2002, as amended, 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, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreements with City, County and Waste Paper Drivers Union, Local No. 244 and City, County and Waste Paper Drivers Union, Local 244 Seasonal, set forth in File No. 1986-02-A, for the period from April 1, 2001 through March 31, 2004, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
Three percent (3%)	April 1, 2001
Three and one-half percent (3.5%)	April 1, 2002
Four percent (4%)	April 1, 2003

Section 2. That Section 15 of Ordinance No. 469-02, passed April 1, 2002, and Section 42 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, are amended to read as follows:

Section 15. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Maintenance Man.....	\$11.97	\$16.14
2. Concrete Mixer Driver.....	\$14.82	\$20.03
3. Dog Warden.....	\$11.04	\$14.91
4. Ground Maintenance Truck Driver II.....	\$12.34	\$16.68
5. Hostler.....	\$ 9.80	\$13.24
6. Parking Enforcement Officer.....	\$ 9.74	\$13.16
7. Street Carry-all Driver.....	\$15.55	\$21.00
8. Street Maintenance Equipment Leader.....	\$16.15	\$21.82
9. Street Equipment Maintenance Specialist.....	\$15.55	\$21.00
10. Tanker Truck Driver.....	\$15.55	\$21.00
11. Tow Truck Operator.....	\$11.80	\$15.96
12. Traffic Controller.....	\$ 9.73	\$13.16
13. Truck Driver.....	\$12.50	\$16.90
14. Waste Collection Driver.....	\$12.33	\$16.66
15. Waste Collection Roll-Off Driver.....	\$15.52	\$21.41

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:

	Minimum	Maximum
1. Box Office Cashier.....	\$10.33	\$13.97
2. Chaplain.....	\$ 8.20	\$11.04
3. Checker.....	\$ 8.70	\$ 9.20
4. Conservation Aide.....	\$ 8.70	\$ 9.20
5. Dentist.....	\$13.38	\$27.48
6. Head Usher.....	\$ 8.20	\$10.91
6a. Law Clerk.....	\$ 8.70	\$12.00
7. Medical Examiner.....	\$21.40	\$56.36
8. Organ Tuner.....	\$ 9.63	\$24.11
9. Park Maintenance Aide.....	\$ 8.70	\$ 9.20
10. Ranger.....	\$ 8.20	\$10.77
11. School Crossing Guard (Per Day).....	\$25.00	\$25.00
12. Section Supervisor.....	\$ 8.70	\$ 9.20
13. Snow Removal Vehicle Operator.....	\$10.40	\$14.46
14. Stage Hand.....	\$19.11	\$26.29
15. Stage Hand Casual.....	\$20.60	\$25.96
16. Stage Hand - Show Rate (Per Show).....	\$64.89	\$85.34
17. Student Aide.....	\$ 8.70	\$ 9.20
18. Student Assistant.....	\$ 8.70	\$ 9.20
19. Usher.....	\$ 8.70	\$ 9.20
20. Usher Captain.....	\$ 8.70	\$ 9.20

Section 3. That existing Section 15 of Ordinance No. 469-02, passed April 1, 2002, and Section 42 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 639-02, passed April 15, 2002, are repealed.

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

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. 1987-02.

By Council Member Rybka (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. John's Nepomucene Church to encroach into the right-of-way of Independence Rd., Fleet Ave. and E. 50th St. to hang six banners using Cleveland Public Power utility poles (by separate permission) for a 2-Year Celebration of the 100th Year Anniversary of the Church's School.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to St. John Nepomucene Church, 3785 Independence Road, Cleveland, Ohio 44105, for six (6) banners to be hung on Cleveland Public Power utility poles (by separate permission) which will encroach into the public right-of-way of Independence Road, Fleet Avenue and East 50th Street for the two (2) Year Celebration of the 100th Year Celebration of the Church's School at the following locations:

<u>LOCATION: INDEPENDENCE ROAD:</u>	<u>POLE #:</u>	<u>OWNER:</u>	<u>USE:</u>
1. 50-feet from Fleet Avenue	SEI-103.2	CPP	Single Banner
2. Corner of Independence & Fleet Ave.	SEI-103.1	CPP	Single Banner
3. 4906 Fleet Ave. in front of School	SEI-102A	CPP	Single Banner
4. East 50th at the West side of St. John's Church	SEI-100A/2B	CPP	Single Banner
5. E. 50th St. in front of St. John's Church	No Tag	CPP	Single Banner
6. E. 50th St. (East side)1st pole South of Fleet Ave.	SEI-100A-1	CPP	Single Banner

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

Section 3. That nothing in this Permit grants or shall be considered a grant to Permittee any right, privilege or permission to use or attach or affix any objects to poles described in Section 1 of this Ordinance.

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

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

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. 1988-02.

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

An emergency ordinance to amend Section 4 of Ordinance No. 2030-01, passed March 25, 2002, relating to the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances.

Whereas, the City constructs public improvements as part of the Home Ownership Zone using HUD grant funds; 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 Section 4 of Ordinance No. 2030-01, passed March 25, 2002, is amended to read as follows:

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 10 SF 166, 10 SF 168, 13 SF 886, 14 SF 026, 10 SF 057, 11 SF 401 and from the fund or funds which are credited the proceeds of the sale of any general obligation bonds which include this purpose, Request No. 107481.

Section 2. That existing Section 4 of Ordinance No. 2030-01, passed March 25, 2002, is repealed.

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

sure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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. 1995-02.

By Council Member Pierce Scott.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Department of Public Health to stretch a banner at 1161 East 105th Street, for the period from October 14, 2002 to October 22, 2002, inclusive, publicizing the Lead Poisoning Prevention Campaign.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is

hereby authorized and directed to issue a permit to the Department of Public Health to install, maintain and remove a banner at 1161 East 105th Street, for the period from October 14, 2002 to October 22, 2002, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 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. 1989-02.

By Council Member Gordon.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road and repealing Resolution No. 1651-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road by Resolution No. 1651-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer based upon and pursuant to a cooperation agreement signed September 15, 2002, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road, be and the same is hereby withdrawn and Resolution No. 1650-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 1990-02.

By Council Members Jones and White.

An emergency resolution urging the Ohio Senate to reject HB 274, which would allow citizens the right to carry concealed weapons with the proper permit.

Whereas, HB 274 would authorize the carrying of concealed firearms by citizens in the State of Ohio that have a firearm permit; and

Whereas, HB 274 has been passed out of the Ohio House of Representatives, and is now in the Ohio Senate for further review and discussion; and

Whereas, HB 274 is a reflection on the most recent trend of states passing such laws on concealed weapons; and

Whereas, there are approximately thirty-three states that have the right to carry concealed weapons; and

Whereas, carrying concealed weapons can increase the likeli-

hood of violent crimes by firearms, which can pose a threat to the health and safety of many communities; and

Whereas, the violent crime rate had increased 17.8% in the State of Florida between 1987 and 1992, which has a carrying concealed weapons law; and

Whereas, in every year from 1987 and 1992, according to the FBI's Uniform Crime Report, Florida has had the highest rate of violent crime in the nation; and

Whereas, in the State of Michigan, which has a concealed weapons law since July 1, 2001, the state police estimated that the number of concealed weapons will increase from 51,954 to approximately 125,000, based on trends in other states with similar laws; and

Whereas, according to the analysis by the Center to Prevent Handgun Violence, violent crime actually rose in 12 of the 29 states, which liberalized their carrying concealed weapons laws from 1992 to 1997; and

Whereas, in the State of Utah during 2001, concealed carry permits were issued to some individuals wanted on an outstanding warrant; and

Whereas, this Council believes that carrying concealed weapons creates an armed society at risk, which could endanger the lives of citizens throughout various communities; 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 strongly urges the Ohio Senate to reject HB 274, which would allow citizens the right to carry concealed weapons with the proper permit.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the appropriate members of the Ohio Senate.

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

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

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

Res. No. 1991-02.

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

An emergency resolution urging the Cleveland Municipal School District and the Mayor of the City of Cleveland to implement the Cleveland Public Schools Fire Intern/Cadet Program, as part of the Cleveland Municipal School District's Martin Luther King Jr. Law

and Public Service Magnet School, with the purpose of preparing students in the Cleveland Municipal School District for public safety careers with local governments.

Whereas, Vanguards of Cleveland, the local chapter of the International Association of Black Professional Firefighters, is interested in establishing and implementing a program to attract and prepare students in the Cleveland Municipal School District for public safety careers in local government; and

Whereas, this program, the "Cleveland Municipal School District Fire Intern/Cadet Program" would operate as part of the Cleveland Municipal School District's Martin Luther King Jr. Law and Public Service Magnet School; and

Whereas, this Fire Intern/Cadet Program would also involve the cooperation and assistance of the City of Cleveland; and

Whereas, this Fire Intern/Cadet Program will train students for public safety careers in fire service and medical service; and

Whereas, the primary objective of this Fire Intern/Cadet Program is to produce firefighters and other public safety personnel who are well trained, dedicated to public service, and able to effectively and efficiently perform public safety duties; and

Whereas, this Fire Intern/Cadet Program will include a curriculum that meets or exceeds minimum standards necessary to excel in public safety service; and

Whereas, the goal is to begin a pilot Fire Intern/Cadet Program for the 2003-2004 school year; and

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

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

Section 1. That this Council urges the Cleveland Municipal School District and the Mayor of the City of Cleveland to establish and implement the Cleveland Public Schools Fire Intern/Cadet Program, as part of the Cleveland Municipal School District's Martin Luther King Jr. Law and Public Service Magnet School, with the purpose of preparing students in the Cleveland Municipal School District for public safety careers with local governments.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Barbara Byrd-Bennett, Chief Executive Officer, Cleveland Municipal School District.

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

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

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

Res. No. 1992-02.
By Council Member Lewis.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1054 East 71st Street, 1st Floor Front.

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 1054 Corp., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103 Permanent Number 6548559 to Donya Kareem, Inc., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103, Permanent Number 2260087; 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 1054 Corp., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103 Permanent Number 6548559 to Donya Kareem, Inc., DBA Quick Stop, 1054 East 71st Street, 1st Floor Front, Cleveland, Ohio 44103, Permanent Number 2260087; 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 passage.

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

Res. No. 1993-02.
By Council Members O'Malley, Jackson, Pierce-Scott, Jones, Reed, Lewis, Gordon and Johnson.

An emergency resolution calling upon the Campbell administration to investigate any banks and lending institutions that refuse to lend to residents of the City of Cleveland and urging the administration to cease doing business, financial or otherwise, with such institutions if said institutions fail to provide loans to City residents based solely upon the existence of the City's anti-predatory lending ordinance.

Whereas, on April 22, 2002, Cleveland City Council passed Ordinance No. 737-02, predatory lending legislation that regulates lending for home purchases and renovations by prohibiting predatory loans as defined in the ordinance; and

Whereas, Ordinance No. 737-02 recognizes that predatory lenders are thriving in Cleveland because many citizens from Cleveland's neighborhoods are unable to access legitimate financing for home purchases and renovations; and

Whereas, many senior citizens and homeowners in Cleveland are targeted by unethical home improvement contractors, mortgage brokers, mortgage lenders and finance companies engaging in predatory lending practices that result in foreclosure and/or stripping the home of equity; and

Whereas, predatory lenders charge exorbitant fees and interest rates and are persuading citizens to incur mortgage debt in excess of their needs or ability to pay, often through fraudulent means; and

Whereas, it is the intent and purpose of Ordinance No. 737-02 to protect the citizens of Cleveland and its neighborhoods from lending practices which strip hard earned equity from city residents and contribute to the problem of vacant and abandoned houses by making loans that families cannot afford to repay; and

Whereas, it is also the intention of Ordinance No. 737-02 to further protect the citizens of Cleveland by: (1) collecting and making available to the public information necessary for city residents to protect themselves against predatory lending practices; (2) preventing the lenders engaged in predatory lending and those persons providing referrals and services to those lenders from enjoying the privilege of doing business with the City of Cleveland; and (3) preventing predatory lenders and those persons providing referrals and services to those lenders from taking advantage of city programs designed to encourage home ownership and home repair; and

Whereas, it has come to this Council's attention that, because of the existence of Ordinance No. 737-02, residents of the City of Cleveland have been refused home mortgages, refinancing of home mortgages, and various other loans; and

Whereas, it is incumbent upon this administration to protect its cit-

izens by investigating whether any bank or other financial institution refuses to comply with Ordinance No. 737-02 by refusing to make loans to Cleveland residents; and

Whereas, any financial institution that effectively redlines Cleveland citizens in such manner should not be able to do business with the City of Cleveland, and the administration should immediately cease making deposits and investments, and doing any financial business with such entities; 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 calls upon the Campbell administration to investigate any banks and lending institutions that refuse to lend to residents of the City of Cleveland and urges the administration to cease doing business, financial or otherwise, with such institutions if said institutions fail to provide loans to City residents based solely upon the existence of the City's anti-predatory lending ordinance.

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

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

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

Res. No. 1994-02.
By Council Member Reed.
An emergency resolution objecting to a New C1 Liquor Permit to 11831 Union Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Lauren Unlimited Corp., DBA Neighborhood Market, 11831 Union Avenue, Cleveland, Ohio 44105, Permanent Number 5052946; 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 a New C1 Liquor Permit at Lauren Unlimited Corp., DBA Neighborhood Market, 11831 Union Avenue, Cleveland, Ohio 44105, Permanent Number 5052946; 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 passage.

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. 1059-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of pre-sort mail service, for the various divisions of City government.

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

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

Ord. No. 1069-02.

By Council Member Jackson (by departmental request).

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

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

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

Ord. No. 1539-02.

By Council Members Coats and Polensek (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 914-01, passed June 19, 2001, relating to authorizing the Director of Community Development to enter into contract with various agencies to provide social services.

Approved by Directors of Community Development, 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. 1718-02.

By Council Member Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to 1100 Carnegie L.P., General Partner for the Hilton Garden Inn to encroach into the right-of-way of Webster Avenue S.E. with a directional sign.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Relieved of Committees on Public Service and City Planning; 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. 1725-02.

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

An emergency ordinance to amend the title of Ordinance No. 929-02, passed June 10, 2002; and to supplement the ordinance by adding new Section 3a, relating to the Director of Community Development entering into or amending contracts or memoranda of understanding with various public, private or governmental agencies or entities and City departments to implement Community Development programs.

Approved by Directors of Community Development, 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. 1845-02.

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

An emergency ordinance authorizing the purchase, lease or lease to purchase by requirement contract of various types of heavy duty vehicles and apparatus for various divisions of the Departments of Public Service, Parks, Recreation and Properties, and Public Safety.

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

1. In Section 1, line 6, strike "in File No. 1845-02-A," and insert "as follows:

2002 HEAVY DUTY VEHICLES AND APPARATUS

	<u>Quantity</u>	<u>User</u>	<u>Unit Price</u>	<u>Total Est. Cost</u>
Pumper	4	Fire	375,000	1,500,000
Aerial Ladder	1	Fire	550,000	550,000
Aerial Platform	1	Fire	650,000	650,000
Rescue Squad Vehicle	1	Fire	375,000	375,000
Cab/Chassis-w/10 cy Rear Ldr.	2	Parks	80,000	160,000
Cab/Chassis-w/25 cy Rear Ldr.	3	Parks	155,000	465,000
Cab/Chassis-w/25 cy Rear Ldr.	10	Waste	155,000	1,550,000
Cab/Chassis-w/Amb. Module	1	EMS	165,000	165,000
Cab/Chassis w/Dp-Plow-Inst. Tandem	1	Streets	130,000	130,000
Asphalt Grinder	1	Streets	375,000	375,000
Cab/Chassis w/concrete body	1	Streets	185,000	185,000
				6,105,000

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. 1938-02.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1374-02, passed August 14, 2002, relating to a requirement contract of rock salt and chemical deicer, for the Division of Streets, Department of Public Service.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1934-02.

By Council Member Sweeney (by request).

An emergency resolution declaring the intention to vacate portions of Forestwood Ave., Midvale Ave, West 192nd St., West 194th St., West 198th St., and West 202nd St.

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

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

The Council Meeting adjourned at 7:50 p.m. to meet on Monday, October 14, 2002, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 2, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 2, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.
Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

K. Velkoff, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 639-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tenable Protective Services, Inc. for an estimated quantity of unarmed uniformed security guard services, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 7, 2002, pursuant to the authority of Ordinance No. 1066-2002, passed June 17, 2002, which on the basis of the estimated quantity would amount to Eight Hundred Twenty Nine Thousand Four Hundred Thirty One and 00/100 Dollars (\$829,431.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition Nos. 121531, 121532, 121533, 121534, 129313, & 125929 which shall be certified against such contract in the sum of Forty One Thousand Five Hundred Seventy Five and 00/100 Dollars (\$41,575.00).

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, Directors Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims and Taylor
Nays: None.
Absent: Directors Chandra and Fumich.

Resolution No. 640-02.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 2002 in the amount of \$70.06, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims and Taylor
Nays: None.
Absent: Directors Chandra and Fumich.

Resolution No. 641-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Fire Force, Inc. for an estimated quantity of self contained breathing apparatus and associated parts, items 1, 2, 3, & 5 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 December 13, 2001, pursuant to the authority of Ordinance No. 1263-2001, passed June 19, 2001, which on the basis of the estimated quantity would amount to Seventeen Thousand One Hundred Sixty Three and 00/100 Dollars (\$17,163.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 124127 which shall be certified against such contract in the sum of Seventeen Thousand One Hundred Sixty Three and 00/100 Dollars (\$17,163.00).

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, Directors Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims and Taylor
Nays: None.
Absent: Directors Chandra and Fumich.

Resolution No. 642-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that that all bids received on December 13, 2002, for the purchase of an estimated quantity of self contained breathing apparatus and associated parts, item #4, for various divisions of City government, pursuant to the authority of Ordinance No. 1263-2001, passed by the Council of the City of Cleveland on June 19, 2001, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims and Taylor
Nays: None.
Absent: Directors Chandra and Fumich.

Resolution No. 643-02.

By Director Konicek.

Whereas, pursuant to the authority of Ordinance No. 1301-2002, passed June 17, 2002 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized by and at the direction of the Board of Control to convey a non-exclusive easement described therein and located on Industrial Parkway in the Fogg-West 140th Street Industrial Park, said property interest no longer needed for public use, to Oatey Warehouse, LLC;

Whereas, said Ordinance No. 1301-2002 provided that the consideration to be paid for the easement shall be at a price not less than fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1301-2002, passed by the Council of the City of

Cleveland on June 17, 2002, the Commissioner of Purchases and Supplies is hereby directed to convey a non-exclusive easement in City-owned land, no longer needed for public use, described therein and located on Industrial Parkway in the Fogg-West 140th Street Industrial Park to Oatley Warehouse, LLC. The consideration to be paid for said non-exclusive easement is hereby fixed at Ten Dollars (\$10.00). The consideration for the easement is hereby determined to be not less than fair market value.

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

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 644-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 79-00, adopted by this Board of Control on February 16, 2000, fixing rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, is hereby amended by deleting existing subsections (a), (b), (c), and (d) of the Energy Adjustment Charge provisions referenced in said Resolution and substituting the following subsections, which fix certain rates, rules and regulations relating to electric service, subject to the approval of the Council of the City of Cleveland.

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated pursuant to division (c) of this section, and shall not be less than the charge calculated pursuant to that division on October 1, 1997.

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers. The incremental charge calculated herein shall be adjusted by subtracting 15 mills per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the

Revised Code, and 9.75 mills per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. The incremental charge calculated herein shall be adjusted by subtracting 3.0 mills per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

Be it further resolved that all other provisions of said Resolution No. 79-00, adopted February 16, 2000, not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 645-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Minute Man Plumbing for an estimated quantity of labor and materials to repair and/or replace plumbing equipment, water, sewer and gas lines, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 22nd day of August 2000, pursuant to the authority of Ordinance No. 825-2000, passed June 12, 2000 on the basis of the estimated quantity would amount to One Hundred Fourteen Thousand Two Hundred Ninety Eight and no/100 Dollars (\$114,298.00) (5 %, Net 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 122431

which shall be certified against such contract in the sum of Fifty Thousand and no/100 Dollars (\$50,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 646-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Independence Excavating, Inc. for the public improvement of Fairville Avenue/West 190th St. Area Rehabilitation (base bid all items, including 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on August 8, 2002, pursuant to the authority of Ordinance No. 999-2000, passed June 19, 2000, upon a unit basis for the improvement, in the aggregate amount of Four Hundred Eighty-Seven Thousand Three Hundred Forty-Four and 00/100 Dollars (\$487,344.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Independence Excavating, Inc. for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR
MBE/FBE — WORK

Granger Trucking
MBE — \$70,886.00(14.55%)

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 647-02.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of National Connect Inc. for the following: local area network cabling (all items) for the Division of Water, Department of Public Utilities, received on July 12, 2002, pursuant to the authority of Ordinance No. 1958-01, passed on March 11, 2002, and pursuant to the authority of Ordinance No. 1950-01 passed on February 11, 2002, which on the basis of the order quantities would amount to Two Hundred Seventy One Thousand Eight Hundred One Dollars and 90/100 Cents (\$271,801.90), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 648-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Admiral Truck Parts, Inc. for an estimated quantity of various automotive and truck parts, items: 7(A-E), 9, 15, 16, 17(A, B, C), 21(A), 23(A, B), 25, 26, 27, 28, 32, 33, 34, 37 and 38, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 354-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to Two Hundred Seventy Five Thousand and no/100 Dollars (\$275,000.00) (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 127103

which shall be certified against such contract in the sum of Eighty Five Thousand and no/100 Dollars (\$85,000.00).

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, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 649-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Servco Products, Inc. for an estimated quantity of various automotive and truck parts, item: 39, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 354-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to Thirty Thousand and no/100 Dollars (\$30,000.00) (1% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 127107

which shall be certified against such contract in the sum of Fifty Thousand and no/100 Dollars (\$15,000.00).

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, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 650-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of TruckPro, Inc. for an estimated quantity of various automotive and truck parts, items: 2, 10, 11, 12, 13, 14, 19, 20(B), 21(B, C), 29, 35 and 44, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 354-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to One Hundred Thirty Eight Thousand Five Hundred and no/100 Dollars (\$138,500.00) (Net 30), 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. 127108

which shall be certified against such contract in the sum of Sixty Thousand and no/100 Dollars (\$60,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-contractor by TruckPro, Inc. for the purchase of various automotive and truck parts is hereby approved:

Poly Service
MBE — \$20,775.00

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 651-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of The Cleveland Ignition Co., Inc. for an estimated quantity

of various automotive and truck parts, items: 1(A, B), 4(A, B, C), and 5(A, B, C), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 354-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to One Hundred Fifty Three Thousand and no/100 Dollars (\$153,000.00) (2% 10th Prox.), 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. 127104

which shall be certified against such contract in the sum of Sixty Thousand and no/100 Dollars (\$60,000.00).

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, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 652-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Lakefront Automotive Parts, Inc. for an estimated quantity of various automotive and truck parts, items: 36(A, B) and 46, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 354-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to Seventy Thousand and no/100 Dollars (\$70,000.00) (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. 127105

which shall be certified against such contract in the sum of Thirty Thousand and no/100 Dollars (\$30,000.00).

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

requisitions separately certified against said contract.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 653-02.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perkins Motor Services, LTD. for an estimated quantity of various automotive and truck parts, items: 6(A-E), 8, 18, 22(A, B), 30, 31, 43 and 45, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 354-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to Two Hundred Eight Thousand and no/100 Dollars (\$208,000.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 127106

which shall be certified against such contract in the sum of Eighty Five Thousand and no/100 Dollars (\$85,000.00).

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, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 654-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 005-23-079 under said Land Reutilization Program; and

Whereas, Ordinance No. 1858-02 passed September 16, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Trinity Methodist Church has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pur-

suant to the authorization of Ordinance No. 1858-02 passed September 16, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Trinity Methodist Church for the sale and development of Permanent Parcel No. 005-23-079, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 655-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 121-17-042 and 121-17-043 under said Land Reutilization Program; and

Whereas, Ordinance No. 1537-02 passed September 23, 2002, authorized the sale of, said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fairfax Renaissance Development Corporation has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1537-02 passed September 23, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel Nos. 121-17-042 and 121-17-043, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 656-02.

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 001-25-063 located at West 110th Street in Ward 19; and

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

Whereas, Paradise Properties Management Co. of Ohio, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 19 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Paradise Properties Management Co. of Ohio for the sale and development of Permanent Parcel No. 001-25-063 located at West 110th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 657-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 019-18-119 located at 12214 Leela in Ward 19; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have

been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Robert A. Jelen, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 19 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Robert A. Jelen for the sale and development of Permanent Parcel No. 019-18-119 located at 12214 Leeila, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 658-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 004-03-074, 004-03-075 located at West 19th Street in Ward 14; and

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

Whereas, Cleveland Housing Network, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Cleveland Housing Network, Inc. for the sale and development of Permanent Parcel Nos. 004-03-074, 004-03-075 located at West 19th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

Resolution No. 659-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 134-11-070 located at 4317 East 73rd Street in Ward 12; and

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

Whereas, Susan M. Merryman, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Susan M. Merryman for the sale and development of Permanent Parcel No. 134-

11-070 located at 4317 East 73d Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor

Nays: None.

Absent: Director Baker.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 21, 2002

9:30 A.M.

Calendar No. 02-215: 1845 West 45th Street (Ward 13)

Ryan McKenzie, owner, appeals to construct a 26' x 42' two-story, single family dwelling house with a 24' x 32' one-story garage all situated on an approximate 73' x 132' parcel located in a Two-Family District on the east side of West 45th Street at 1845 West 45th Street; said construction being contrary to the Area Requirements of Section 355.04(b), where the minimum floor area required is 950 sq. ft. for a primary residential building and 708 sq. ft. is proposed and contrary to the Yards and Courts Requirements, where a 6' rear yard setback is proposed and 20' is required as stated

in Section 357.08(2)(b)(1) of the Codified Ordinances.

Calendar No. 02-274: 4391 West 182nd Street (Ward 21)

Larry Wimberly, owner, appeals to construct a 20' x 30' reverse gable, two car garage to the rear of an existing 20' x 20' garage all situated on a 50' x 180' parcel located in a One-Family District on the west side of West 182nd Street at 4391 West 182nd Street; said construction being contrary to the Residential District Requirements, where a 1,520 sq. ft. garage is proposed and the maximum square footage allowed is 1,000.83 sq. ft. as stated in Section 337.23(a) of the Codified Ordinances.

Calendar No. 02-275: 6825 Colfax Road (Ward 5)

Laverne Milligan, owner, appeals to construct a 27'-6" x 60' two-story, four dwelling unit apartment building all on an approximate 50' x 160' parcel located in a Two-Family District on the northeasterly corner of Colfax Road at 6825 Colfax Road; said construction being contrary to the Residential District Requirements of Section 337.03, where multifamily is not permitted in a Two-Family District and contrary to the Landscaping and Screening Requirements of Section 352.11, where a 4' wide landscaping strip is required between the proposed multifamily building and the abutting Two-Family District and contrary to the Off-Street Parking and Loading Requirements, where parking of motor vehicles in the setback area is prohibited as stated in Section 357.14(a)(1) of the Codified Ordinances.

Calendar No. 02-276: 5800-34 Storer Avenue (Ward 17)

MSM Family Investment Ltd., owner c/o Dan Bickerstaff, agent, appeals to construct 3 new fueling islands with canopy and 15 new parking spaces all situated on an acreage corner parcel located in a General Retail Business District and a Two-Family District on the southwest corner of West 58th Street and Storer Avenue at 5800-5834 Storer Avenue; said construction and addition being contrary to the Residential District Requirements of Section 337.03, where service station and retail sales are not permitted in a Two-Family District and contrary to Business District Requirements of Section 343.15(b)(2), where no structure (canopy) shall be built less than 20' from the property line adjacent to the public right-of-way and contrary to the Yards and Courts Requirements, where parking in the setback area is prohibited as stated in Section 357.14(b)(a)(1) of the Codified Ordinances.

Calendar No. 02-277: 3375 West 88th Street (Ward 18)

George and Lillian Dreamer, owners c/o Anthony Caringli, agent, appeal to construct a 22' x 22' one-story gable roof garage to the rear of a 35' x 96' parcel located in a Two-Family District on the east side of West 88th Street at 3375 West 88th Street; said construction being contrary to the Residential District Requirements, where the

proposed garage is located 6' from the main building on the adjoining lot and 10' is required as stated in Section 337.23(a) of the Codified Ordinances.

Calendar No. 02-278: 5317 Magnet Avenue (Ward 5)

James J. Malloy, owner, appeals to install approximately 90 linear feet of 4' high chain link fencing with a gate and 120 linear feet of 5' high chain link fencing all around the perimeter of an approximate 42' x 120' corner parcel located in a Two-Family District on the northeasterly corner of St. Alexis Court and Magnet Avenue at 5317 Magnet Avenue; said installation being contrary to the Fence Regulations, where the proposed fence is chain link and the permitted fence type is ornamental and 50% open spaced as stated in Section 358.04(a) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 7, 2002

At the meeting of the Board of Zoning Appeals on Monday, October 7, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 02-231: 11905 Superior Avenue

Tops Markets and the Superior & Lakeview Development Company appealed to install 395' of 3' high chain link fencing on top of a 6' masonry wall to the north and west of an acreage parcel located in General Retail Business and Semi-Industry Districts.

Calendar No. 02-244: 13527 Puritas Avenue

Joseph Gaglione appealed to construct and repair a 10' x 19' front porch of a single dwelling house in a One-Family District.

Calendar No. 02-245: 3159 West 25th Street

Ricardo Perez, tenant, appealed to change the use of a two-story store building into an assembly use and private club with entertainment in a General Retail Business District; subject to conditions.

Calendar No. 02-247: 18921 Homeway Road

Daniel R. Warren appealed to install 35 linear feet of 5' high wooden fencing to the north, east and south of a 40' x 136' parcel in a One-Family District.

Calendar No. 02-205: 1260 West 4th Street

1260 West 4th Street LLC appealed to change the use of a six-story masonry warehouse storage building into 17 parking spaces on the first floor and 19 condominium units on the second through sixth floors in a Limited Retail Business District.

The following appeals were **Denied**:

Calendar No. 02-246: 15605 Alonzo Avenue, a.k.a. 4473 East 156th Street

Richard and Anne Prince appealed to change the use of a 24' x 40' nonconforming structure into one dwelling unit on a 52' x 125' lot in a One-Family District.

Calendar No. 02-262: Appeal of 1476 Davenport Ltd. Partn.

Matthew Lombardy appealed for Davenport Ltd Partnership from a violation notice issued June 13, 2002 for the location at 1613 Davenport Avenue by the Department of Community Development, Division of Building.

Calendar No. 02-182: 6601 Union Avenue

Dorothy Collins appealed to change the use of a 35' x 40' one-story service station on a 40' x 130' parcel into used auto sales and lot in a General Retail Business District.

Calendar No. 02-207: 3118 West 14th Street

Mike Hornyak appealed to install 33' of 6' high board on board fencing to the south of a 71' x 100' parcel in a Multi-Family District.

The following appeals were **Postponed**:

Calendar No. 02-263: 4486 West 158th Street postponed to November 21, 2002.

Calendar No. 02-202: 17528 Tarkington Avenue postponed to November 4, 2002.

On Monday, October 7, 2002, in Executive Session:

The following appeals were heard by the Board on Monday, September 30, 2002, and said decisions were adopted and approved in Executive Session on October 7, 2002:

The following appeals were **Approved**:

Calendar No. 02-237: 5912 Utica Avenue

Barbara K. Thompson appealed to construct a 20' x 20' one-story detached garage on a 60' x 72' parcel to the east of a one family dwelling in a One-Family District.

Calendar No. 02-240: 7925 Spafford Avenue

Gwendolyn Goins appealed to install 86 linear feet of 4' high chain link fencing to the west, east and south of a 35' x 85' parcel in a Two-Family District.

Calendar No. 02-242: 10307 Detroit Avenue

Chicle Properties appealed to construct an 85' x 100' fourteen-story addition on top of a five-story building in a Residence Office District.

Calendar No. 02-243: 1355 West 70th Street

Our Lady of Mt. Carmel appealed to construct a 62' x 147' one-story masonry school building addition to

an elementary school building on a 193' x 646' parcel in a Multi-Family District.

The following appeal was **Denied**:

Calendar No. 02-241: 13228 Lorain Avenue

Keith Balski appealed to construct a 20' x 30' one-story garage with a 14' x 20' concrete parking area to the rear of a 20' x 40' office building in a General Retail Business District.

Calendar No. 02-198: 15409 St. Clair Avenue

Timothy McGuinness appealed to change the use of a 43' x 68' one-story print shop building into an auto detailing shop and retail store on a 49' x 83' parcel in a Local Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner Committee
Room 217
City Hall, Cleveland, Ohio
On Wednesday, October 16, 2002
1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, October 16, 2002, at 1:00 p.m., to consider the following ordinance now pending in the Council:

Ord. No. 1933-02.

By Council Member Sweeney.
An ordinance to change the zoning of properties bounded by Maplewood Avenue, West 192nd Street, Forestwood Avenue, and West 198th Street to a Semi-Industry District, a "C" area district, and a "2" height district. (Map Change No. 2059, Sheet No. 13)

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

October 2, 2002 and October 9, 2002

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 23, 2002

Labor & Materials Necessary to Repair and Maintain the Lifting Equipment on One Plate Truck, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 760-02, passed by the Council of the City of Cleveland, June 10, 2002.

October 2, 2002 and October 9, 2002

WEDNESDAY, OCTOBER 30, 2002

Phase I Electrical Parts/Labor & Materials Necessary to Maintain, Repair and Modify Airfield Parking and Terminal Lighting System, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 124-02, passed by the Council of the City of Cleveland, March 25, 2002.

Lamps, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1063-02, passed by the Council of the City of Cleveland, September 16, 2002.

October 2, 2002 and October 9, 2002

THURSDAY, OCTOBER 31, 2002

One (1) Cab/Chassis With Flat Bed/Sanitation Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Ser-

vice, as authorized by Ordinance No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

One (1) Cab/Chassis With Aerial Bucket Device, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1262-02, passed by the Council of the City of Cleveland, July 17, 2002.

Automotive and Truck Batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 916-02, passed by the Council of the City of Cleveland, June 17, 2002.

October 2, 2002 and October 9, 2002

FRIDAY, NOVEMBER 1, 2002

Chrysler Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 990-02, passed by the Council of the City of Cleveland, June 17, 2002.

Ford Truck Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 983-02, passed by the Council of the City of Cleveland, June 17, 2002.

October 2, 2002 and October 9, 2002

WEDNESDAY, OCTOBER 23, 2002

Ward 21 Park Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1748-99 and 1114-02, respectively.

THERE WILL BE A REFUNDABLE FEE OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

Labor & Materials Necessary to Repair and Maintain Pump Stations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 346-02, passed by the Council of the City of Cleveland, April 22, 2002.

October 9, 2002 and October 16, 2002

THURSDAY, OCTOBER 24, 2002

Fire Hydrants & Hydrants Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING AT 10:30 A.M. ON THURSDAY, OCTOBER 17, 2002 AT DIVISION OF WATER PIPE REPAIR CONFERENCE ROOM, LOCATED AT 4600 HARVARD AVENUE, CLEVELAND, OHIO.

New Tires, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 917-02, passed by the Council of the City of Cleveland, June 17, 2002.

Meyer Snow Plow and Spreader Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 910-02, passed by the Council of the City of Cleveland, June 17, 2002.

Lumber, for Various Divisions, Department of Finance, as authorized by Ordinance No. 1067-02, passed by the Council of the City of Cleveland, August 14, 2002.

October 9, 2002 and October 16, 2002

FRIDAY, OCTOBER 25, 2002

Pre-Sort Mail Services, for the Various Divisions, Department of Finance, as authorized by Ordinance No. 1059-02, (pending).

THERE WILL BE A PRE-BID MEETING ON TUESDAY, OCTOBER 15, 2002 AT 3:00 P.M. LOCATED AT CITY HALL FINANCE CONFERENCE ROOM (RM. 104), 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

Office Supplies, for the Various Divisions, Department of Finance, as authorized by Ordinance No. 1069-02, (pending).

THERE WILL BE A MANDATORY PRE-BID MEETING ON TUESDAY, OCTOBER 15, 2002 AT 2:00 P.M. LOCATED AT CITY HALL FINANCE CONFERENCE ROOM (RM. 104), 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 9, 2002 and October 16, 2002

WEDNESDAY, OCTOBER 30, 2002

Prisoner Meals, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1102-02, passed by the Council of the City of Cleveland, June 17, 2002.

October 9, 2002 and October 16, 2002

THURSDAY, OCTOBER 31, 2002

Labor and Materials to Maintain Card Access and Electronic Security Systems, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1388-2000, passed by the Council of the City of Cleveland, October 9, 2000.

THERE WILL BE A PRE-BID MEETING ON MONDAY, OCTOBER 21, 2002 AT 2:00 P.M., LOCATED AT CARL B. STOKES, PUBLIC UTILITIES BUILDING, FOURTH FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 9, 2002 and October 16, 2002

FRIDAY, NOVEMBER 1, 2002

Deicing Chemical, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 1258-02, passed by the Council of the City of Cleveland, August 14, 2002.

October 9, 2002 and October 16, 2002

WEDNESDAY, NOVEMBER 6, 2002

Two (2) Altantek, Model 85DSS Printer/Laminator, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1597-02, passed by the Council of the City of Cleveland, August 14, 2002.

Air Compressor Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 989-02, passed by the Council of the City of Cleveland, June 17, 2002.

October 9, 2002 and October 16, 2002

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1948-02.

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

An emergency resolution discouraging the Northeast Ohio Regional Sewer District from approving proposed rate increases for the City of Cleveland that result in an annual compounded increase of 7.7% in years 2003-2006 and urging the Northeast Ohio Regional Sewer District to consider lower and reasonable rate increases.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") is considering rate increases for all of its users in an effort to achieve rate equalization and compliance with unfunded federal mandates; and

Whereas, the proposed rate increase for residents of the City of Cleveland is 8.5% in year 2003, 7.9% in year 2004, 7.3% in 2005, and 7.2% in 2006; and

Whereas, if this proposed rate increase is approved, City of Cleveland residents who currently pay a rate of \$21.10 per mcf for NEORS sewer services will pay a rate of \$28.40 per mcf for NEORS sewer services in the year 2006; and

Whereas, this proposed rate increase exceeds the rate of inflation and places an unreasonable burden on the citizens of the City of Cleveland; and

Whereas, this Council is concerned about the adverse impact this rate increase will have on the citizens of the City of Cleveland; and

Whereas, this Council is opposed to this proposed rate increase and encourages NEORS to consider lower and reasonable rate increases; 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 discourages the Northeast Ohio Regional Sewer District from approving proposed rate increases for the City of Cleveland that result in an annual compounded increase of 7.7% in

years 2003-2006 and urges the Northeast Ohio Regional Sewer District to consider lower and more reasonable rate increases.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Erwin Ordeal, Executive Director of the NEORS, and the following members of the NEORS Board of Trustees: Mayor Gerald M. Boldt, President, Mayor Thomas J. Longo, Vice President, Michael L. Nelson, Secretary, Mayor Gary W. Starr, Darnell Brown, Ronald D. Sulik, and Sheila J. Kelly.

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

Adopted September 30, 2002.

Effective October 7, 2002.

Ord. No. 1372-02.

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

An emergency ordinance authorizing the Director of Port Control to enter into agreements with certain air carriers that conduct passenger operations with aircraft having a seating capacity greater than thirty to provide for the purchase, operation and maintenance of boarding assistance devices for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to enter into agreements, pursuant to 14 CFR 382.40 with air carriers conducting passenger operations with aircraft having greater than thirty seat capacity to provide for the purchase, operation, and maintenance by such air carriers of boarding assistance devices, which meet all applicable regulatory requirements.

Such agreements shall further provide that the air carriers shall take all actions necessary to ensure accessible boarding for passengers with disabilities as soon as practicable, but no later than December 4, 2002.

Section 2. That the agreements authorized by this ordinance shall be prepared by the Director of Law and shall contain such terms and conditions as he deems necessary to protect and benefit the public interest.

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 September 30, 2002.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1382-02.
By Council Member Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd and East 94th Streets to Glenville Development Corporation.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-04-013 as more fully described below, to Glenville Development Corporation.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 108-04-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 40 feet of the Westerly 87 feet 6 inches of the Sublot No. 2 in Talbot Winslow and Sharpe's Re-Subdivision of part of Original One Hundred Acre Lot No. 360 as shown by the recorded plat in Volume 7 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 93rd Street (formerly Houghton Street), and extending back of equal width 87 feet 6 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That 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. 108-04-014 as more fully described below, to Glenville Development Corporation.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-04-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 20 feet on the Westerly 87 feet 6 inches of Sublot No. 1 and the Southerly 20 feet of the Westerly 87 feet 6 inches of Sublot No. 2 in Talbot, Winslow and Sharpe's Re-Subdivision of part of Sublot Nos. 1 to 4 inclusive in James Houghton's Subdivision of parts of Original One Hundred Acre Lots Nos. 360 and 368, as shown by the recorded plat of

said Re-Subdivision in Volume 7 of Maps, Page 12 of Cuyahoga County Records as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 5. 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. 108-04-015 as more fully described below, to Glenville Development Corporation.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-04-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 1 in the Talbot, Winslow and Sharpe Allotment of a part of Original One Hundred Acre Lot No. 360 as shown by the recorded plat in Volume 7 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 93rd Street, (48 feet wide) and extending back of equal width, 87.50 feet deep on the Northerly line, 87.50 feet deep on the Southerly line which is also the Northerly line of Lowell Avenue, N.E. (50 feet wide), and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. 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. 108-04-016 as more fully described, to Glenville Development Corporation.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-04-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the part of Southerly 40 feet of the Easterly 87 1/2 feet of Sublot No. 1 in Talbot, Winslow and Sharpe's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 360 and 368 as shown by the recorded plat in Volume 7 of Maps, Page 12 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 94th Street, (formerly Fifth Avenue), and extending back of equal width 87 1/2 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. 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. 108-04-017 as more fully described below, to Glenville Development Corporation.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-04-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 20 feet of the Easterly 87 1/2 feet of Sublot No. 1 and the

Southerly 20 feet of the Easterly 87 1/2 feet of Sublot No. 2 in Talbot, Winslow and Sharpe's Re-Subdivision of part of Original One Hundred Acre Lots Nos. 360 and 368, as shown by the recorded plat in Volume 7 of Maps, Page 12 of Cuyahoga County Records and together forming a parcel of land 40 feet front on the Westerly side of East 94th Street (formerly Fifth Avenue) and extending back between parallel lines 87 1/2 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. 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. 108-04-018 as more fully described below, to Glenville Development Corporation.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-04-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 40 feet of the Easterly 87 1/2 feet of Sublot No. 3 in Talbot, Winslow and Sharpe's Re-Subdivision of parts of Sublot Nos. 1 to 4 inclusive in James Houghton's Subdivision of part of Original One Hundred Acre Lots Nos. 360 and 368, as shown by the recorded plat in Volume 7 of Maps, Page 12 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 94th Street (formerly 5th Avenue) and extending back of equal width 87 1/2 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. 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 14. 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 15. 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 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1525-02.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a supplement with the Federal Aviation Administration, City Contract No. 48287, to redefine the leased space and to expand security for the Federal Facilities Building at Cleveland Hopkins International Airport.

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 a supplement to the lease between the City and the Federal Aviation Administration ("FAA"), City Contract No. 48287, to delete all references to Civil Aviation Security Field Unit (CASFU) and Flight Standards District Office (FSDO). This deletion will not change the amount of leased space or rent under this lease.

Section 2. That the Director of Port Control is authorized to further amend the lease referenced above, to increase the City's security requirements for the Federal Facility Building at Cleveland Hopkins International Airport to include additional security measures for employees or contractors providing services in or upon the leased premises.

All other terms and conditions contained in the original lease shall remain the same.

Section 3. That the supplement to the lease authorized shall be approved by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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 September 30, 2002.
Effective October 7, 2002.

Ord. No. 1526-02.
By Council Members Westbrook, White and Jackson (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 139.14 relating to expenditures for professional memberships 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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 139.14 thereof to read as follows:

Section 139.14 Expenditures for Professional Memberships

The Director of Port Control is authorized to expend funds for membership and other related expenses for employee participation in professional and trade organizations and associations deemed by the Director of Port Control to be necessary to the operations of the various divisions of the Department of Port Control, including but not limited to membership dues, program registration fees, research, expenses related to participation in professional meetings and events, and other related expenses.

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1538-02.
By Council Member Coats.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1047 East 140th Street to Julius B. Thomas.

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). 115-04-016, as more fully described below, to Julius B. Thomas.

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

P. P. No. 115-04-016
Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Southerly part of Sublot No. 13, in the Wofe-Sill Realty Company's St. Clair East 140th Street Subdivision of part of Original Euclid Township Lot No. 2 in Tract No. 10, as shown by the recorded plat in Volume 59 of Maps, Page 12 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 140th Street, at the Southwesterly corner of said Sublot No. 13, thence Northerly along said Easterly line of East 140th Street, 35.4 feet; thence Easterly on a line parallel to the Northerly line of said Sublot No. 13, about 143.20 feet to the Easterly line of said Sublot No. 13, thence Southerly along said Easterly line 6.72 feet to an angle in said Easterly line thence continuing along said Easterly line 30.15 feet to the Southeast corner of said Sublot No. 13; thence Westerly along the Easterly line of said Sublot No. 13, 134.32 feet to the place of beginning.

Subject to zoning ordinances, if any.

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

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

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

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1544-02.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th and East 69th Streets between Cedar and Central to Burten, Bell, Carr Development, Inc.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-22-078 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 118-22-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being known as the rear or Easterly part of Sublot No. 25 in the Payne and Clark Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11, Page 33 of Cuyahoga County Records. Formerly known as Jessie Street and bounded and described as follows:

Starting at a stake set in the Easterly line of East 69th Street and the Southerly line of Sublot No. 25; thence Easterly along said Southerly line of Sublot No. 25 a distance of 80.25 feet to a point, said point being the principal place of beginning; thence Northerly parallel to East 69th Street passing through an iron pipe at 2.00 feet and passing through a line of tacks in a garage at 20.6 feet, a distance of 40.00 feet to a point in the Northerly line of Sublot No. 25; thence Easterly along the Northerly line of Sublot No. 25 a distance of 58.29 feet to a point in the Easterly line of Sublot No. 25; thence Southerly along the Easterly line of Sublot No. 25 a distance of 40.00 feet to a point in the Southerly line of Sublot No. 25; thence Westerly along the Southerly line of Sublot No. 25, distance of 58.23 to the principal place of beginning.

Also subject to all zoning ordinances, if any.

Section 3. 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. 118-22-079 as more fully described below to Burten, Bell, Carr Development, Inc.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in Payne-Clark Allotment of part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 69th Street (formerly Jessie Street) and extending back 138.48 feet on the Northerly line, 138.43 feet on the Southerly line and being 40 feet in the rear as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 5. 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. 118-22-109 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet from front to rear of Sublot No. 56 in James H. and Harriet Clark's Allotment, of part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records. Said part of said Sublot No. 56 has a frontage of 30 feet on the Easterly side of East 68th Street (formerly Harriet Avenue), and extends back between parallel lines 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. 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. 118-22-110 as more fully described, to Burten, Bell, Carr Development, Inc.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 10 feet of Sublot No. 56 and the Northerly 20 feet of Sublot No. 55 in James H. and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Easterly side of East 68th Street (formerly known as Harriet Avenue) and extending back of equal width 126 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ord-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-22-111 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, the Northerly 10 feet of Sublot No. 54 and the Southerly 20 of Sublot No. 55 in James H. Clark and Harriett Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records, said parts of Sublots Nos. 54 and 55 together form a parcel of land having a frontage of 30 feet on the Easterly side of East 68th Street (formerly Harriett Avenue) and extending back between parallel lines 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. 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. 118-22-113 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 53 in James H. and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 68th Street (formerly Harriet Avenue) and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. 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. 118-22-114 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in James H. and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records. Said Sublot No. 52 has a frontage of 40 feet on the Easterly side of East 68th Street (formerly Harriet Avenue), and extends back

between parallel lines 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 15. 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. 118-22-115 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 51 and the Northerly 20 feet from front to rear of Sublot No. 50 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and together forming a parcel of land 60 feet front on the Easterly side of Harriet Avenue, (now known as East 68th Street) and extending back of equal width 126 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 17. 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. 118-22-116 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20 feet of Sublot No. 50 and the Northerly 10 feet of Sublot No. 49 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land 30 feet front on the Easterly line of East 68th Street and extending back of equal width 126 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 19. 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. 118-22-117 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30 feet of Sublot No. 49 and the Northerly 15 feet of Sublot No. 48 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records. Said parts of Sublots Nos. 49 and 48 together form a parcel of land having a frontage of 45 feet on the Easterly side of East 68th Street (formerly Harriet Avenue) and extends back between parallel lines 126 feet, as appears by said plat.

Section 21. 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. 118-22-118 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 20 feet of Sublot No. 47 and the Southerly 25 feet of Sublot No. 48 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and together forming a parcel of land 45 feet front on the Easterly side of East 68th Street (formerly Harriet Avenue) and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 23. 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. 118-22-119 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 24. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20 feet of Sublot No. 47 and the Northerly 20 feet of Sublot No. 46, in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 25. 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. 118-22-124 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 26. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-124

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 87 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northeastly line of Clarkwood Road, S.E., at its intersection with the Northerly line of said Sublot No. 87; thence Easterly along the Northerly line of said Sublot No. 87 a distance of 86 feet 1-1/2 inches to the Westerly line of East 68th Street (formerly Harriet Street), thence Southerly along the Westerly line of East 68th Street, a distance of 35 feet to a point; thence Westerly parallel with the Northerly line of said Sublot No. 87 to the Northeastly line of Clarkwood Road, S.E., thence Southeastly along the Northeastly line of Clarkwood Road to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

And known as being part of Sublot No. 86 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Westerly line of East 68th Street (formerly Harriet Avenue) at the Southeastly corner of said Sublot No. 86; thence Westerly along the Southerly line of said Sublot No. 86, a distance of about 52 feet to a point; thence Northerly parallel with the Westerly line of East 68th Street a distance of about 8 feet 9 inches to a point; thence Easterly a distance of 52 02/100 feet to a point in the Westerly line of East 68th Street, 7 feet 3-3/8 inches Northerly (measured along said Westerly line) from the place of beginning; thence Southerly along the Westerly line of East 68th Street, a distance of 7 feet 3-3/8 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 27. 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. 118-22-125 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 28. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 85 and 86, in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County

Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 68th Street (formerly Harriet Avenue) at a point 7 feet 3-3/8 inches Northerly, measured along said Westerly line, from the Southeastern corner of said Sublot No. 86; thence Westerly 52 feet 2-3/4 inches to a point 8 feet, 9 inches Northerly, measured along a line parallel with said Westerly line of East 68th Street, from the Southerly line of said Sublot No. 86; thence Northerly 42 feet, 5 inches to a point 52 feet, 11-5/8 inches Westerly from the said Westerly line of East 68th Street at a point 43 feet, 8-3/8 inches Northerly measured along said Westerly line of East 68th Street from the place of beginning; thence Easterly 52 feet 11-5/8 inches to a point on said Westerly line of East 68th Street, 43 feet 8-3/8 inches Northerly, measured along said Westerly line of East 68th Street, from the place of beginning; thence Southerly along said Westerly line of East 68th Street, 43 feet 8-3/8 inches to the place of beginning, according to the survey made by F.G. Krause, Civil Engineer, May 1917, be the same more or less, but subject to all legal highways.

Section 29. 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. 118-22-126 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 30. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 85 in the Clark Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 68th Street (formerly Harriet Avenue) at the Northeastern corner of said Sublot No. 85; thence Southerly along the said Westerly line of East 68th Street about 29 feet 1/4 inches to the Northeastern corner of the land conveyed by Robert H. Looney and Jane Looney, husband and wife, to the Lion Building Company, by deed dated June 22, 1917 and recorded in Volume 2053, Page 439 of Cuyahoga County Records, thence Westerly along the Northerly line of the land so conveyed to the Lion Building Company as aforesaid, 52 feet 11 5/8 inches to the Northwest corner thereof; thence Southerly along the Westerly line of land conveyed to the Lion Building Company, as aforesaid, 11 feet 2 inches to the Southerly line of said Sublot No. 85; thence Westerly along the said Southerly line of said Sublot No. 85 to a point distant Westerly 60 feet (measured along said Southerly line) from the Westerly line of East 68th Street; thence Northerly parallel with the said Westerly line of East 68th Street, 40 feet to Northerly line of said Sublot No. 85; thence Easterly along said

Northerly line, 60 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 31. 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. 118-22-128 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 32. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 84 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat of said Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 68th Street (formerly Harriet Avenue) at the Northeastern corner of Sublot No. 84 thence; Westerly along the Northerly line of said Sublot No. 84, 81 feet; thence Southerly parallel with the Westerly line of East 68th Street, 30 feet; thence Easterly parallel with the Northerly line of Sublot No. 84, 81 feet to the Westerly line of East 68th Street, and thence Northerly along the Westerly line of East 68th Street, 30 feet to the place of beginning, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 33. 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. 118-22-131 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 34. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 76 and 77 in James H. Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Westerly line of East 68th Street (formerly Harriet Avenue) at the point 35 feet Southerly (measured along said Westerly line) from the Northeastern corner of said Sublot No. 76; thence Southerly along said Westerly line of East 68th Street 35 feet; thence Westerly on a line parallel to the Southerly line of said Sublot No. 77; about 128 feet 1/4 of an inch to the Westerly line of said Sublot No. 77; thence Northerly along the Westerly line of said Sublot Nos. 76 and 77, 35 feet; thence Easterly about 127 feet 11-3/8 inches to the place of the beginning, appears by said plat.

Also subject to zoning ordinances, if any.

Section 35. 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. 118-22-132 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 36. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 76 in James H. and Harriet Clark Subdivision, of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 68th Street, and extending back 127'-10-1/2" on the Northerly line about 127'-11' on the Southerly line and having a rear line of 35 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 37. 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. 118-22-141 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 38. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, Being known as the Westerly part of Sublot No. 25 in Payne and Clark Allotment of part of Original One Hundred Acre Lot No. 335, as recorded in Volume 11, Page 33, Cuyahoga County Records. Situated on the Easterly side of East 69th Street, 60 feet wide (formerly known as Jessie Street) and bounded and described as follows:

Starting at a stake set in the Easterly line of East 69th Street and the Southerly line of Sublot No. 25; thence Easterly along said Southerly line of Sublot No. 25, a distance of 80.25 feet to a point; thence Northerly, parallel to East 69th Street passing through an iron pipe at 2.00 feet and passing through a line of tacks in a garage at 20.6 feet, a distance of 40.00 feet to a point in the Northerly line of Sublot No. 25; thence Westerly along the Northerly line of Sublot No. 25, a distance of 80.25 feet to the Easterly line of East 69th Street; thence Southerly along the Easterly line of East 69th Street a distance of 40.00 feet to the place of beginning.

Also subject to all zoning ordinances, if any.

Section 39. 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. 118-23-018 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 40. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-23-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 58 in James H. Clark and Harriet Clark's Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet on the Easterly line of East 68th Street and extending back of equal width 126 feet deep, be the same more or less, but subject to all legal highways.

Section 41. 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. 118-23-020 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 42. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-23-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in J.H. and Harriet Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 68th Street (formerly Harriet Avenue), and extending back of equal width 126 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 43. 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. 118-22-133 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 44. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 84 and 88 in James E. and Harriett Clark's Allotment of part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Northerly line of said Sublot No. 84 distant 81 feet Westerly from the Northeastly corner of said Sublot No. 84; thence Westerly along the Northerly line of said Sublot No. 84 and its prolongation Westerly in a direct line 91.45 feet to the Northeastly line of Clarkwood Road S.E., (formerly Eliza Street); thence Southeastly along the Northeastly line of Clarkwood Road S.E. 38.54 feet to point which is 30 feet distant Southerly at right angles from the production Westerly of the Northerly line of Sublot No. 84; thence East-

erly 64.63 feet to a point 81 feet Westerly from the Westerly line of East 68th Street; thence Northerly parallel with said Westerly line of East 68th Street 30 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 45. 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. 118-22-134 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 46. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-134

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 84 and 85 in James H. Clark and Harriett Clark's Allotment of a part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northeastly line of Clarkwood Road S.E., at its intersection with the Southerly line of said Sublot No. 85; thence Easterly along the Southerly line of said Sublot No. 85 a distance of about 58 feet 6 1/2 inches to a point; 60 feet Westerly measured along said Southerly line, from its intersection with the Westerly line of East 68th Street (formerly Harriet Street); thence Northerly parallel with the Westerly line of East 68th Street to a point in Sublot No. 84, which is distant 10 feet Northerly from the Southerly line of said Sublot No. 84 and which is distant 60 feet Westerly from the Westerly line of East 68th Street; thence Westerly parallel with the Southerly line of said Sublot No. 84 to the Northwestly line of Clarkwood Road, S.E., thence Southeastly along the Northeastly line of Clarkwood Road, S.E., to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 47. 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. 118-22-135 as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 48. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-22-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 86 in James H. Clark and Harriet Clark's Allotment in Volume 9 of Maps, Page 17 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northeastly line of Clarkwood Road, S.E. at its intersection with the Southerly line

of said Sublot No. 86; thence Easterly along the Southerly line of said Sublot No. 86 a distance of about 34 feet 1 1/2 inches to a point distant 52 feet Westerly (measured along said Southerly line) from the Westerly line of East 68th Street; thence Northerly parallel with the Westerly line of East 68th Street, a distance of 40 feet to the Northerly line of said Sublot No. 86; thence Westerly a distance of about 66 feet 6 inches to the Northeastly line of said Clarkwood Road, S.E. thence Southeastly along the Northeastly line of Clarkwood Road, S.E., a distance of 51 feet 2 inches to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 49. 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 50. 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 51. 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 52. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed September 30, 2002.

Effective October 7, 2002.

Ord. No. 1936-02.

By Council Member

An emergency ordinance authorizing the purchase by one or more requirement contracts of computer hardware, software, and associated peripherals and equipment, for the Division of Information Systems Services, Department of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years subject to the requirements of this ordinance for the necessary items of computer hardware, software, associated peripherals and equipment, 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 Information Systems Services, Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. The Director of Finance shall have authority to enter into one or more requirement contracts with a term of two (2) years when there is a financial advantage to the City entering into one or more requirements with a term of two (2) years in lieu of entering into a contract or contracts with a term of one (1) year. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for a contract or contracts with a term of two (2) years and the bids received for a contract or contracts with a term of one (1) year. Alternate bids for a period less than the specified

term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 100374)

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 September 30, 2002.
Effective October 7, 2002.

Ord. No. 1937-02.
By Council Members Sweeney and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Service to cause payment to the City of Brook Park for the cost of Brook Park grinding and resurfacing that por-

tion of West 130th Street that is in the City of Cleveland; and authorizing an agreement relative to that improvement.

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

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

Section 1. That this Council authorizes payment to the City of Brook Park of the City of Cleveland's share for the cost of Brook Park grinding and resurfacing that portion of West 130th Street that is in the City of Cleveland, from Fund No. 11 SF 401, Request No. 123320.

Section 2. That the Director of Public Service is authorized to enter into an agreement with the City of Brook Park authorizing it to make the improvement and authorizing Cleveland to make the payment.

Section 3. That the agreement shall be prepared by the Director of Law and shall contain the additional terms and conditions as are necessary to protect the public interest.

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 September 30, 2002.
Effective October 7, 2002.

Ord. No. 1943-02.

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

An emergency ordinance approving the collective bargaining agreement with Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel; and to amend Section 10 of Ordinance No. 469-02, passed April 1, 2002, 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, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with Cleveland Police Patrolmen's Association (C.P.P.A.) Civilian Personnel set forth in File No. 1943-02-A, for the period from April 1, 2001 through March 31, 2004, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

<u>Increase</u>	<u>Effective Date of Increase</u>
Three percent (3%)	April 1, 2001
Three and one-half percent (3.5%)	April 1, 2002
Four percent (4%)	April 1, 2003

Section 2. That Section 10 of Ordinance No. 469-02, passed April 1, 2002, is amended to read as follows:

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:

	Minimum	Maximum
1. Bilingual Communication Specialist.....	\$22,882.82	\$33,184.81
2. Police Radio Dispatcher.....	\$22,885.90	\$36,334.54
3. Police Safety Aide.....	\$19,409.04	\$25,867.90
4. Safety Telephone Operator.....	\$21,266.04	\$28,094.97

Section 3. That existing Section 10 of Ordinance No. 469-02, passed April 1, 2002, is repealed.

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1945-02.**By Council Member Coats.**

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Lutheran Housing Corporation which will be acting as the City's agent in carrying out a Home Repair Program for the public purpose of providing home repair assistance to Cleveland residents through the use of Ward 10 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 Lutheran Housing Corporation which will be acting as the City's agent in carrying out a Home Repair Program for the public purpose of providing home repair assistance to Cleveland residents through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1947-02.**By Council Member Westbrook.**

An emergency ordinance amending Section 4 of Ordinance No. 1017-02, passed May 20, 2002 as it relates to the Clark Commons public landscaping improvement project through the use of Ward 18 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 4 of Ordinance No. 1017-02, passed May 20, 2002 is hereby amended to read respectively as follows:

Section 4. That the cost of said contract shall be in an amount not to exceed \$31,500 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 4 of Ordinance No. 1017-02, passed May 20, 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.

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1949-02.**By Council Member Britt.**

An emergency ordinance consenting and approving the issuance of a permit for the American Cancer Walk on October 13, 2002, sponsored by the American Cancer Society.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the American Cancer Walk, sponsored by the American Cancer Society, on October 13, 2002, beginning at Wade Oval and Juniper, Wade Oval to East Blvd., East Blvd. To MLK, MLK to East 88th return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1950-02.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the MBNA Walk For Education on October 6, 2002, sponsored by the MBNA.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the MBNA Walk For Education, sponsored by the MBNA, on October 6, 2002, beginning at Erieside at the Cleveland Browns Stadium, Erieside to East 9th, East 9th to Lakeside, Lakeside to East 6th, East 6th to Superior, Superior to East Roadway, East Roadway to Euclid, Euclid to Ontario, Ontario to

Prospect, Prospect to East 9th, East 9th to Carnegie, Carnegie to Ontario, Ontario to Huron, Huron to West 9th, West 9th to St. Clair, St. Clair to West 3rd, West 3rd to Erieside, finish at the Cleveland Browns Stadium, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1951-02.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Benett-Bar Halloween Run on October 27, 2002, sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Benett-Bar Halloween Run, sponsored by Hermes Sports & Events, on October 27, 2002, beginning at Ontario and Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside to North Marginal, North Marginal to East 26th, return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 30, 2002.
Effective October 7, 2002.

Ord. No. 1953-02.
By Council Member Britt.
An emergency ordinance consenting and approving the issuance of a permit for the Juno Jog on October 12, 2002, sponsored by the Cleveland Health Museum.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Juno Jog, sponsored by Cleveland Health Museum, on October 12, 2002, beginning at East 89th and Euclid, Euclid to East 101st, East 101st to Mt. Sinai Drive, Mt. Sinai Drive to MLK, MLK to Lagoon (on bike path), return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from

the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 30, 2002.
Effective October 7, 2002.

COUNCIL COMMITTEE MEETINGS

Monday, October 7, 2002
11:00 A.M.

Public Service Committee: Present: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Brady, Johnson. Excused: Cimperman.

2:00 P.M.

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

Tuesday, October 8, 2002
9:30 A.M.

Aviation & Transportation Committee: Present: Westbrook, Chair; Sweeney, Vice Chair; Dolan, Rybka, Gordon, Reed. Excused: Britt.

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

10:00 A.M.

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

1:30 P.M.

Legislation Committee: Present: White, Chair; Scott, Vice Chair; Gordon, Dolan, Westbrook, Rybka. Excused: Johnson.

Wednesday, October 9, 2002
1:30 P.M.

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

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