

# The City Record

Official Publication of the City of Cleveland

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December the Twenty-Sixth, Two Thousand and One

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<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Michael D. Polensek	
<b>Clerk of Council</b>	
Ruby F. Moss	
<b>Ward</b>	<b>Name</b>
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	William W. Patmon
9	Craig E. Willis
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	Timothy J. Melena
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—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones .....	4691 East 177th Street	44128
2	Robert J. White .....	3760 East 126th Street	44105
3	Zachary Reed .....	3232 East 119th Street	44120
4	Kenneth L. Johnson .....	2948 Hampton Road	44120
5	Frank G. Jackson .....	2327 East 38th Street	44115
6	Patricia J. Britt .....	12402 Britton Drive	44120
7	Fannie M. Lewis .....	7416 Star Avenue	44103
8	William W. Patmon .....	867 East Boulevard	44108
9	Craig E. Willis .....	11906 Beulah Avenue	44106
10	Roosevelt Coats .....	1775 Cliffview Road	44112
11	Michael D. Polensek .....	17855 Brian Avenue	44119
12	Edward W. Rybka .....	6832 Indiana Avenue	44105
13	Joe Cimperman .....	3053 West 12th Street	44113
14	Nelson Cintron, Jr. ....	3004 Vega Avenue	44113
15	Merle R. Gordon .....	1700 Denison Avenue	44109
16	Michael C. O'Malley .....	6710 Brookside Drive	44144
17	Timothy J. Melena .....	6110 West Clinton Avenue	44102
18	Jay Westbrook .....	10513 Clifton Boulevard	44102
19	Dona Brady .....	3466 Bosworth Road	44111
20	Martin J. Sweeney .....	3632 West 133rd Street	44111
21	Michael A. Dolan .....	16519 West Park Road	44111

### MAYOR – Michael R. White

Judith Zimomra, Chief of Staff  
 Barry Withers, Executive Assistant for Administration  
 Cornell P. Carter, Executive Assistant for Health and Human Services  
 Kenneth Silliman, Executive Assistant for Development  
 Nicholas P. Jackson, Executive Assistant for Services  
 Matt Dotson, Executive Assistant for Legislative Affairs  
 Marvin Hayes, Executive Assistant for Intergovernmental Affairs  
 Lucille Ambroz, Director, Office of Equal Opportunity

### DEPT. OF LAW – Pinkey S. Carr, Director, \_\_\_\_\_, Chief Counsel, Room 106

Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center  
 8th Floor, Court Towers, 1200 Ontario Street  
 Karen E. Martines, Law Librarian, Room 100

### DEPT. OF FINANCE – Kelly Clark, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit  
 DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19  
 City Treasury – Algeron Walker, Treasurer, Room 115  
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128  
 Printing and Reproduction – Diante Fitzgerald, Acting Commissioner,  
 1735 Lakeside Avenue  
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue  
 Financial Reporting and Control – Robert Dolan, Controller, Room 18  
 Information Systems Services – Cleo Henderson, Commissioner,  
 1404 E. 9th St.

### DEPT. OF PUBLIC UTILITIES – Darnell Brown, Acting Director, 1201 Lakeside Avenue

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

### DEPT. OF PORT CONTROL – Reuben Sheperd, Director,

Cleveland Hopkins International Airport, 5300 Riverside Drive;  
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner  
 Burke Lakefront Airport – Khalid Bahkur, Commissioner

### DEPT. OF PUBLIC SERVICE – Randall E. DeVaul, Acting Director, Room 113

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

### DEPT. OF PUBLIC HEALTH – Michele C. Whitlow, Director, Mural Building 1925 St. Clair Avenue

DIVISIONS – Health – Susan E. Axelrod, Commissioner, Mural Building,  
 1925 St. Clair Avenue  
 Environment – Michael Konicek, Commissioner, Mural Building,  
 1925 St. Clair Avenue  
 Correction – Thomas Hardin, Commissioner, Cleveland House of  
 Corrections, 4041 Northfield Road

### DEPT. OF PUBLIC SAFETY – Henry Guzmán, Director, Room 230.

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

### DEPT. OF PARKS, RECREATION & PROPERTIES – Alfred T. Miller, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

DIVISIONS – Convention Center & Stadium – James Glending,  
 Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
 Property Management – Tom Nagle, Commissioner, East 49th & Harvard

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.

Recreation – Michael Cox, Commissioner, Room 8  
 Research, Planning & Development – Mark Fallon, Commissioner, 1501  
 N. Marginal Road, Burke Lakefront Airport

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

DIVISIONS – Administrative Services – Terrence Ross, Commissioner.  
 Neighborhood Services – Louise V. Jackson, Commissioner.  
 Neighborhood Development – Donald T. Moss, Commissioner.  
 Building & Housing – Robert Vilkas, Commissioner, 5th Floor, City Hall.

### DEPT. OF PERSONNEL AND HUMAN RESOURCES – Jeffery K. Patterson, Director, Room 121

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

### DEPT. OF AGING – Dolores Alexander, Director, Room 122

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

CIVIL SERVICE COMMISSION – Room 119, Anne Bloomberg, President;  
 \_\_\_\_\_, Vice President; Gregory J. Wilson, Secretary;  
 Timothy J. Cosgrove, Member, Rev. Earl Preston, Member.

SINKING FUND COMMISSION – Michael R. White, President; Betsy Hruby, Asst.  
 Sec'y; \_\_\_\_\_, Director; Council President Michael D. Polensek.

BOARD OF ZONING APPEALS – Room 516, Carol Johnson, Chairman; Members;  
 Chris Carmody, Margreat Hopkins, Ozell Dobbins, Tony Petkovsek,  
 Eugene Cranford, Jr., Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Pinkey S. Carr,  
 President; Finance Director Kelly Clark, Secretary; Council President  
 Michael D. Polensek.

BOARD OF SIDEWALK APPEALS – Service Director Randall E. DeVaul; Law  
 Director Pinkey S. Carr; Councilman Nelson Cintron, Jr.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Pinkey S. Carr;  
 Utilities Director Darnell Brown; Council President Michael D. Polensek.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Acting Director;  
 Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke,  
 Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small,  
 Councilman Joseph Cimperman.

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

MORAL CLAIMS COMMISSION – Law Director Pinkey S. Carr; Chairman;  
 Finance Director Kelly Clark; Council President Michael D. Polensek;  
 Councilman Bill Patmon; 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, Councilman Timothy J.  
 Melena, Robert Keiser, Executive Secretary.

### CLEVELAND MUNICIPAL COURT JUSTICE CENTER—1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT JUDGE COURTROOM ASSIGNMENTS

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 88

WEDNESDAY, DECEMBER 26, 2001

No. 4594

## CITY COUNCIL

MONDAY, DECEMBER 24, 2001

### The City Record

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Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

#### MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Rybka, Chairman; Dolan, Vice Chairman; Brady, Britt, Johnson, Reed, Sweeney.

#### MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Cintron, Chairman; Sweeney, Vice Chairman; Coats, Johnson, Jones, Melena, O'Malley, Westbrook, Willis.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** White, Chairman; Lewis, Vice Chairman; Cintron, Coats, Gordon, Johnson, Jones.

#### MONDAY

2:00 P.M. — **Finance Committee:** Patmon, Chairman; Rybka, Vice Chairman; Britt, Cintron, Dolan, Lewis, Melena, O'Malley, Polensek, Sweeney, White.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Jackson, Chairman; Lewis, Vice Chairman; Brady, Cimperman, Cintron, Johnson, Jones, Melena, Willis.

#### TUESDAY—Alternating

1:00 P.M. — **Public Health Committee:** Gordon, Chairman; Brady, Vice Chairman; Cimperman, Jackson, Reed, Westbrook, Willis.

1:30 P.M. — **Legislation Committee:** Lewis, Chairman; Jones, Vice Chairman; Coats, Gordon, Reed, Westbrook, White.

#### WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Dolan, Chairman; O'Malley, Vice Chairman; Brady, Jones, Patmon, Rybka, Sweeney.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Patmon, Vice Chairman; Britt, Cimperman, Coats, Gordon, Jackson, Melena, Sweeney.

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** O'Malley, Chairman; Patmon, Vice Chairman; Britt, Coats, Dolan, Melena, Polensek, Westbrook, Willis.

1:30 P.M.—**City Planning Committee:** Cimperman, Chairman; Rybka, Vice Chairman; Dolan, Jackson, O'Malley, Reed, White.

The following Committee is subject to the Call of the Chairman:  
**Mayor's Appointment Committee:** Cintron, Chairman; Britt, Jackson, Jones, Sweeney.

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

December 19, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 19, 2001, at 10:30 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Absent: Director Whitlow.  
Others: Myrna Branche, Commissioner, Purchases and Supplies.  
C. Whitaker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

#### Resolution No. 915-01.

By Director Clark.  
Resolved, by the Board of Control of the City of Cleveland that the bid of John Lubinski, d.b.a. Summit County Fire Protection for an esti-

mated quantity of Labor and Materials Necessary to Refill, Repair, and Replace Fire Extinguishers Group A Items #1-17; Group B Items #1-12, 14, 18; Group C Items #1-15, 17-18; Group D Items #1-5, for the various divisions of City Government, for the period of two (2) years beginning with the date of execution of a contract, received on September 14, 2001, pursuant to the authority of Ordinances Nos. 316-2000, passed April 17, 2000, as amended Ordinance No. 1854-01, passed December 10, 2001, which on the basis of the estimated quantity would amount to Seventy One Thousand Eight Hundred Sixty Eight and 75/100 Dollars (\$71,868.75), 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. 102060 which shall be certified against such contract in the sum of Three Thousand Six Hundred and no/100 Dollars (\$3,600.00).

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 and which, together with all other contracts entered into pursuant to the above-reference ordinance, does not in total exceed ten percent over the amount purchased during the preceding equivalent term.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

#### Resolution No. 916-01.

By Director Clark.

Resolved, by the Board of Control of the City of Cleveland that the bid of Midwest Presort Mailing Services, Inc. for an estimated quantity of pre-sort mail service, 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 November 28, 2001, pursuant to the authority of Ordinance No. 813-2000, passed June 19, 2000, which on the basis of the estimated quantity would amount to Six Thousand Four Hundred and 00/100 Dollars (\$6,400.00) (2% Net 30 Days), 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. 104705**

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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 White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 917-01.**

By Director Clark.

Resolved, by the Board of Control of the City of Cleveland that the bid of Woodhill Supply Inc. for an estimated quantity of dry cell batteries, for the various divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract, received on November 7, 2001, pursuant to the authority of Ordinance No. 1064-01, passed July 18, 2001, which on the basis of the estimated quantity would amount to Seventeen Thousand Three Hundred Sixty Four and 06/100 Dollars (\$17,364.06) (2% 10 Days), 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. 114551**

which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars (\$3,000.00).

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 White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 918-01.**

By Director Clark.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cenweld Corp. for an estimated quantity of various equipment and accessories to outfit vehicles, for various divisions of City Government, for the period of one (1) year beginning with the date of execution of a contract, received on Sep-

tember 28, 2001, pursuant to the authority of Ordinance No. 1264-01, passed by the Council of the City of Cleveland, June 19, 2001, which on the basis of the estimated quantity would amount to Two Hundred Twenty-Three Thousand Six Hundred Thirty-One and 70/100 Dollars (\$223,631.70) (0% - 30 Days), 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. 105620**

which shall be certified against such contract in the sum of Eighty-Nine Thousand Four Hundred Fifty-Two and 68/100 Dollars (\$89,452.68).

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 White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 919-01.**

By Acting Director Brown.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of DiGioia-Suburban Excavating, LLC for the public improvement of Eddy Road & Taft Avenue Sewer Replacement for the Division of Water Pollution Control, Department of Public Utilities, received on October 18, 2001, pursuant to the authority of Ordinance No. 1947-98, passed December 14, 1998, as amended by Ordinance No. 169-01, passed March 19, 2001, upon a unit basis for the improvement in the aggregate amount of Five Hundred Eighty-Three Thousand One Hundred Twenty-One and 88/100 (\$583,121.88), 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 DiGioia-Suburban Excavating, L.L.C. for the contract authorized herein is approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
<u>MBE/FBE</u>	

Barrow Sign Co., Inc.	
FBE	\$750.00 (.13%)
Collinwood Shale Brick	
FBE	\$25,585.00 (4.39%)
Friedel Trucking	
FBE	\$37,800.00 (11.1%)
Cook Paving	
MBE	\$ 50,050.00 (8.59%)
Lawrence Harris Construction	
MBE	\$ 11,800.00 (2.03%)
Thompson Ground Development	
MBE	\$26,765.00 (4.59%)

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 920-01.**

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Opex Corporation (all items) for the following: Purchase of One (1) Payment Envelope Extractor Machine for the Division of Fiscal Control, Department of Public Utilities, received on the 14th day of September, 2001, pursuant to the authority of Ordinance No. 1049-01, passed on July 18, 2001, which on the basis of the order quantities would amount to Twenty Thousand Seven Hundred Fifty and No/100 Dollars (\$20,750.00) (Net), 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 White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 921-01.**

By Director Sheperd.

Whereas, Board of Control Resolution No. 914-01, adopted December 12, 2001, pursuant to Ordinance No. 1124-01, passed July 18, 2001, authorized the Director of Port Control to enter into a Public Improvement by Requirement Contract with Inland Waters of Ohio, Inc. for Glycol Collection services for the Division of Cleveland Hopkins International Airport, Department of Port Control for an estimated amount of Eleven Million Two Hundred Ninety-One Thousand Five Hundred Twenty and 00/100 Dollars (\$11,291,520.00); and

Whereas, in said resolution, the contract was incorrectly identified as a Public Improvement by Requirement Contract for Glycol Collection; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that said Board of Control Resolution No. 914-01, adopted December 12, 2001, is hereby amended by deleting that portion of said resolution following the words "Inland Waters of Ohio, Inc." and before the words "Requisition No. 113562" and substituting therefor: "for an estimated quantity of deicing services, including base bid and alternates 6, 8, 9, 11 & 12, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period of five (5) years beginning upon the date of execution of contract received on the 7th day of December 2001, pursuant to the authority of Ordinance No. 1124-01, passed July 18, 2001, which on the basis of the estimated quantity would amount to Nine Million Five Hundred Eighteen Two Hundred Fifty Dollars (\$9,518,250.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control 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:".

Be it further resolved by the Board of Control of the City of Cleveland the last paragraph of said Resolution No. 914-01 is hereby amended by deleting the portion of said paragraph following "Said Requirement Contract shall further provide that the contractor will" and substituting the following: "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 but not to exceed, together with the amount of the initial order hereunder, a total of Twelve Million Dollars (\$12,000,000.00).

Be it further resolved, that all other provisions of said Resolution No. 914-01 not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 922-01.**

By Acting Director DeVaul.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 2204-2000 passed by the Council of the City of Cleveland on February 12, 2001, the firm of HWH Architects is hereby selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Service as the firm of architects ("Architect") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the professional services necessary for building improvements at various Public Service buildings.

Be it further resolved, that the Director of Public Service hereby is authorized to enter into a written contract with HWH Architects based upon its proposal dated October 2, 2001, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Eighty Three Thousand and no/100 Dollars (\$83,000.00). Reimbursable expenses shall not exceed Six Thousand and no/100 Dollars (\$6,000.00). The total compensation to the Architect shall not exceed Eighty Nine Thousand and no/100 Dollars (\$89,000.00).

Be it further resolved, that the employment of the following consultant by HWH Architects, is hereby approved:

Sandhu & Associates	
MBE	\$15,000

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 923-01.**

By Acting Director DeVaul.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Southeast Harley Davidson Sales, Co. for an estimated quantity of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on October 19, 2001, pursuant to the authority of Ordinance No. 364-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to Forty Five Thousand and no/100 Dollars (\$45,000.00) (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. 105649 which shall be certified against such contract in the sum of Twenty Thousand and no/100 (\$20,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which, does not in total exceed \$50,000.00.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 924-01.**

By Acting Director DeVaul.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on October 19, 2001 for auto/truck frame repair for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 371-01, passed by the Council of the City of Cleveland on April 9, 2001, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 925-01.**

By Acting Director Cox.

Resolved by the Board of Control of the City of Cleveland, that all bids received on November 16, 2001 for Lecterns for the Division of Convention Center, Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance No. 1205-2000, passed by the Council of the City of Cleveland on May 21, 2001, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director

DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 926-01.**

By Director Patterson.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 290-01 passed by the Council of the City of Cleveland on June 4, 2001, the firm of Barrett & Associates, Inc. is hereby selected upon the nomination of the Secretary of the Civil Service Commission from a list of qualified firms available for such employment and determined after full and complete canvass by said Secretary as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of the Civil Service Commission to provide professional services necessary to perform a job analysis and to develop, administer and grade promotional examinations for the Division of Fire, Department of Public Safety.

Be it further resolved that the Secretary of the Civil Service Commission is hereby authorized to enter into written contract with Barrett & Associates, Inc. based upon its proposal dated October 15, 2001, which contract shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest. The compensation for the services performed under the contract authorized hereby shall not exceed One Hundred Sixty Five Thousand Dollars (\$165,000.00).

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 927-01.**

By Director Patterson.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 313-01 passed by the Council of the City of Cleveland on June 4, 2001, the firm of Barrett & Associates, Inc. is hereby selected upon the nomination of the Secretary of the Civil Service Commission from a list of qualified firms available for such employment and determined after full and complete canvass by said Secretary as the firm to be employed by contract for the purpose of supplementing the regularly employed staff of the Civil Service Commission to provide professional services necessary to perform a job analysis and to develop, administer and grade promotional examinations for the Division of Police, Department of Public Safety.

Be it further resolved that the Secretary of the Civil Service Commission is hereby authorized to enter into written contract with Barrett & Associates, Inc. based upon its proposal dated October 15, 2001, which contract shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest. The compensation for the services performed under the contract authorized hereby shall not exceed One Hundred Forty Six Thousand Dollars (\$146,000.00).

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 928-01.**

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 1140-01, passed December 3, 2001, the Commissioner of Purchases and Supplies ("Commissioner") is authorized, by and at the direction of the Board of Control, to sell certain City-owned property in the Village of Highland Hills ("Highland Hills") no longer needed for public use, described therein and being known as Light Industrial Parcel No. 4 ("Sale Parcel"), to Datavantage Corporation, at a price of not less than One Hundred, Thirty-Five Thousand Dollars (\$135,000.00) per acre; and

Whereas, pursuant to the authority of said Ordinance, the Project Agreement shall provide that Datavantage shall have an option to purchase certain City-owned property in Highland Hills no longer needed for public use, described therein and being known as Light Industrial Parcel No. 5 and Restaurant Parcel No. 8 ("Option Parcels"), which option shall expire two (2) years from the date of recording of conveyance of the Sale Parcel ("Option Period"); and

Whereas, pursuant to the authority said Ordinances, the Commissioner is authorized, by and at the direction of the Board of Control, to sell the Option Parcels to Datavantage during the Option Period for a price of not less than Nine Hundred Seventeen Thousand Dollars (\$917,000.00); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to authorization of Ordinance No. 1140-01, passed December 3, 2001 by Cleveland City Council, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property, no longer needed for public use, described therein ("Sale Parcel"), to Datavantage Corporation ("Datavantage"); the consideration to be paid for the Sale Parcel is fixed at One Million, Two Hundred Eight Thousand Dollars (\$1,208,000.00), which amount is determined to be not less than the fair market value when taking into account all restrictions and encumbrances placed by the City in the Deed of Conveyance. The quit claim deed from the City to Datavantage shall contain such terms and conditions as the Director of Economic Development and the Director of Law deem necessary and appropriate to protect and benefit the interests of the City of Cleveland.

Be it further resolved by the Board of Control of the City of Cleveland that, pursuant to authorization of said Ordinance No. 1140-01, the Commissioner of Purchases and Supplies is hereby directed, if and when authorized by the Director of Economic Development, to sell the Option Parcels to Datavantage within two (2) years of conveyance of the Sale Parcel ("Option Period"), for the consideration of Nine Hundred Seventeen Thousand Dollars (\$917,000.00) during the first year of the Option Period, or such higher amount during the Option Period as determined by the project agreement, which amount is determined

to be not less than the fair market value, when taking into account all restrictions and encumbrances placed by the City in the Deed of Conveyance. The quit claim Deed from the City to Datavantage shall contain such terms and conditions as the Director of Economic Development and the Director of Law deem necessary and appropriate to Protect and benefit the interests of the City of Cleveland.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 929-01.**

By Director Sheperd.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lawhon & Associates, Inc., for an estimated quantity of services necessary to perform collection, sampling, transportation and disposal of surface and ground water encountered during construction, including Alternate No. 7, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed three (3) years, received on the 3rd day of December 2001, pursuant to the authority of Ordinance No. 1123-01, passed June 19, 2001, which on the basis of the estimated quantity would amount to Two Million Thirty Thousand Five Hundred Fifty-Seven Dollars (\$2,030,557.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control 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. 113563 which shall be certified against such contract in the sum of One Hundred One Thousand Five Hundred Twenty-Seven and 85/100 Dollars (\$101,527.85).

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by Lawhon & Associates, Inc. is hereby approved:

<u>Contractor</u>	<u>M/FBE %</u>	<u>Amount</u>
Environmental Affairs Management	4% MBE	\$85,000.00
Ohio Diversified Services	5% FBE	\$98,530.00
Granger Trucking	2% MBE	\$45,586.00

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director

DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

**Resolution No. 930-01.**

By Director Patterson.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1534-01 passed by Cleveland City Council on August 22, 2001, Ohio AFSCME Care Plan is hereby selected upon the nomination of the Director of Personnel and Human Resources pursuant to the collective bargaining agreement between the City and AFSCME Local 100 for the term commencing April 1, 2001 to provide vision insurance for all eligible AFSCME City employees, and Union Eye Care is hereby selected upon the nomination of the Director of Personnel and Human Resources as determined after a full and complete canvass to provide vision care for all eligible City employees other than AFSCME City employees.

Be it further resolved that the Director of Personnel and Human Resources hereby is authorized to enter into professional services contracts with Union Eye Care at a composite monthly rate of \$4.10 per covered employee and Ohio AFSCW Care Plan at a composite monthly rate of \$6.75 per covered employee. The contracts shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Guzman, Acting Director Cox, Directors Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ANNE BLOOMBERG,  
President

**SCHEDULE OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, JANUARY 7, 2002**

**9:30 A.M.**

**Calendar No. 01-313:** 5506 Dollof Road (Ward 12)

Gary Meadows, owner, appeals to change the use of an existing approximate 28' x 45' one-story masonry store building into a tire shop and used car lot all situated on an approximate 146' x 183' triangular shaped corner parcel located in a Local Retail District on the southeast corner of Dollof Road at 5506 Dollof Road; said change of use being contrary to the Business District Requirements of Section 343.01 where Used Car Lots are not permitted in a Local Retail District but first permitted in a General Retail Business District as stated in Section 343.11(b)(2)(i)(4) which requires maintaining a 1 1/2 barrier at the setback line (10') behind which all vehicles, advertising and parking must be kept back and no barriers are proposed and existing display areas are within the setback area and contrary to the Off-Street Parking and Loading Requirements of Section 349.04 where 25% of the parking lot must be reserved for customer parking and contrary to the Landscaping and Screening Requirements of Section 352.09 where a 10' wide transition strip is required along the side abutting the Two-Family District and a 4' wide frontage landscaped strip is required where the lot abuts the street as stated in Section 352.10 of the Codified Ordinances.

**Calendar No. 01-314:** 3625 Independence Road (Ward 12)

Michael Mazzeo, owner, appeals to change the use of an existing approximate 32' x 53' one-story masonry gas station building into an auto repair garage and used car lot all situated on an approximate 100' x 168' triangular shaped corner parcel located in a Local Retail District on the northwest corner of East 46th Street and Independence Road at 3625 Independence Road; said change of use being contrary to the Business District Requirements of Section 343.01 where Auto Repair and Used Car Lots are not permitted in a Local Retail District but Auto Repair is first permitted in a Semi-Industry District as stated in Section 345.03(c)(2) if located not less than 100' from a Residence District and a used car lot is first permitted in a General Retail Business District as stated in Section 343.11(b)(2)(i)(4) which requires maintaining a 1 1/2 barrier at the setback line (18') behind which all vehicles, advertising and parking must be kept back and no barriers are proposed and existing display areas are within the setback area and contrary to the Specific Use Regulations of Section 347.11 where used car lots must be 60' in width and 55' is proposed and contrary to the Off-Street Parking and Loading Requirements of Section 349.04 where 25% of the parking lot must be reserved for customer parking and contrary to the Landscaping and Screening Requirements of Section 352.09 where a 10' wide transition strip is required along the side abutting the Two-Family District and a 4' wide frontage landscaped strip is required where the lot abuts

the street as stated in Section 352.10 of the Codified Ordinances.

**Calendar No. 01-315:** 3588 Martin Luther King Drive (Ward 3)

Cleveland Board of Education, owners, c/o, James Holloway, agent, appeals to construct a 6' x 8' single sided cabinet sign 12' high from grade to the front of Nathan Hale Middle School situated on the west side of Martin Luther King Drive, a.k.a. East Boulevard at 3588 Martin Luther King Drive; said construction being contrary to the Sign Regulations where a sign face area of 48 sq. ft. is proposed and 40 sq. ft. is allowed and a 12' high sign is proposed and 8' is allowed as stated in Section 350.13(a) of the Codified Ordinances.

**Calendar No. 01-316:** 13201 Edgewood Avenue (Ward 3)

Darrell Curd, owner, and Brian Horvath, agent, appeals to construct an 8' x 24'-5" one-story aluminum porch enclosure to the front of an existing 24'-5" x 35' One-Family House situated on a 40' x 100' parcel located in a One-Family District on the north side of Edgewood Drive at 13201 Edgewood Drive; said construction being contrary to the Yards and Courts Requirements where an 8' projection is required and enclosed porches shall not project more than 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 01-317:** 8212 Carnegie Avenue (Ward 6)

Eleanor Norwood, owner, appeals to change the use of an existing approximate 34' x 124' two-story masonry office and auto repair garage building into an office and auto repair garage and used car lot all situated on an irregular "L" shaped acreage parcel located in a General Retail Business District/Local Retail District and Semi-Industry District on the south side of Carnegie Avenue at 8212 Carnegie Avenue; said change of use being contrary to the Business District Requirements of Section 343.01 where Used Car Lots are not permitted in a Local Retail District and a used car lot is first permitted in a General Retail Business District which requires maintaining a 1 1/2 barrier at the setback line (18') behind which all vehicles, advertising and parking must be kept back and no barriers are proposed and existing display areas are within the setback area as stated in Section 343.11(b)(2)(I)(4) of the Codified Ordinances.

**Calendar No. 01-318:** 2493 West 20th Street (Ward 14)

Stephen Was, owner, appeals to construct a 20' x 22' two-story attached garage and a 15' x 17' two-story room addition to the rear of an existing two-story dwelling house situated on a 35' x 100' parcel and located in a Two-Family District on the east side of West 20th Street at 2493 West 20th Street; said construction being contrary to the Area Requirements of Section 355.04 where the maximum floor area allowed is 50% of the gross floor area which is 1,750 sq. ft. and 3,124 sq. ft. is proposed and contrary to Yards and Courts Requirements of Section 357.09(2)(a) where no building shall be erected less than 10' from a main building on an adjoining lot and Section 357.09(2)(b) where a 3' minimum side yard is required and 2'-8" is proposed and 3'-6" rear yard

setback is proposed and 20' is required as stated in Section 357.08(b)(1) of the Codified Ordinances.

**Calendar No. 01-319:** 3256 West 58th Street (Ward 17)

Sonya Levert, owner, appeals to install a 4' high chain-link fence to the north, south, east, and west of an approximate 60' x 99' parcel located in a Two-Family District on the west side of West 58th Street at 3256 West 58th Street; said installation being contrary to the Fence Regulations where a 4' high chain-link fence is proposed and only ornamental fences shall be installed in actual front yards and actual side street yards as stated in Section 358.04(c)(1) of the Codified Ordinances.

**Calendar No. 01-320:** 16405 Trafalgar Avenue (Ward 11)

Henry Masten, owner, appeals to change the use of an existing 2-Family house into a 3-Family house all situated on a 40' x 140' parcel located in a Two-Family District on the north side of Trafalgar Avenue at 16405 Trafalgar Avenue; said change of use being contrary to the Residential District Requirements of Section 337.03 where a 3-Family house is not permitted in a Two-Family District but first permitted in a Multi-Family District as stated in Section 337.08 and contrary to the Off-Street Parking and Loading Requirements of Section 349.04 where 3 parking spaces are required and 1 is provided and contrary to the Area Requirements of Section 355.04(b) where the required lot area is 7,200 sq. ft. and 5,600 sq. ft. is provided and contrary to Yards and Courts Requirements of Section 357.09(b)(2)(c) where a 8' interior side yard is required and an approximate 3' side yard is provided and contrary to the non-conforming use limitations which requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 01-362:** 3879-3881 East 123rd Street (Ward 2)

David Powell, owner, and Vada Garret, tenant, appealed to change the use of the ground floor store room of an existing 35' x 72' two-story masonry non-conforming store and suites building from a dry cleaning store to a barber shop, in October of 1998 and was granted the appeal by the Board, now appeals to change the use of an existing approximate 15' x 46'-6" barber-shop waiting area into a retail store, located on a 40' x 127' corner lot and located in a Two-Family District on the northeast corner of East 123rd Street and Lenrgrave Avenue at 3879-3881 East 123rd Street; said use being contrary to the Residence Limitations of Section 337.02 where a retail store is not permitted in a 2-Family District but first permitted in a Local Retail District pursuant to Section 343.01(G) and contrary to the substitution of non-conforming use authority of Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, DECEMBER 24, 2001**

NO MEETING

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

Re: Report of the Meeting of  
December 19, 2001

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

\* \* \*

**Docket A-162-01.**

RE: Appeal of Chase Bank of Texas, NA Mortgagee of the One & One-half Story Frame Residential Property located on the premises known as 5710 Huss Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated September 13, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-162-01 has been POSTPONED; to be rescheduled for January 16, 2002.

\* \* \*

**Docket A-163-01.**

RE: Appeal of Homer & Patricia L. Black, Owners of the One & One-half Story Frame Residential Property located on the premises known as 3974 Wendy Drive from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated August 20, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 1st, 2002 in which to abate the violations. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-165-01.**

RE: Appeal of Kay Finney, Owner of the Single Family Residential Property located on the premises known as 1252 East 87th Street from a LIMITATION ON THE PERMIT dated October 17, 2001 of the Commissioner of the Division of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a sixty (60) day extension of time on the permit in which to complete abatement of the violations, and to extend the PERMISSION TO ENTER ADJOIN-

ING PROPERTY permit as required for completion of maintenance. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-167-01.**

RE: Appeal of Sharon Schubert, Owner of the Two Story Frame Residential Property located on the premises known as 4813 Stickney Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing, dated September 21, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-167-01 has been POSTPONED; to be rescheduled for January 16, 2002.

\* \* \*

**Docket A-172-01.**

RE: Appeal of Jeffery P. Watson, Owner of the One-half Story Frame Residential Property located on the premises known as 3722 West 137th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated October 5, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement, and permit the pool to be installed as indicated, noting the agreement of the adjacent neighbors. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-186-01.**

RE: Appeal of Sutton Builders, Owners of the Single Dwelling Unit Residential Property located on the premises known as 2128 West 5th Street from a NOTICE OF VIOLATION — HVAC dated November 14, 2001 of the Commissioner of the Division of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the flues to remain as they are, noting that the hot water exhausts are aimed 45 degrees away from the intakes and no less than the same elevations, and noting that any problems will be the responsibility of the builder. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

**Docket A-190-01.**

RE: Appeal of Case Western Reserve University (H.G. Wood Building), Owner of the Property located on the premises known as 2109 Adelbert Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated December 5, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Resolution to be reported in City Record at a later date.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Williams and seconded by Mr. Saunders for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-103-01—US Tommy C/O Robert Lin (Amended).
- A-128-01—Frank Boulevard Nursing Home.
- A-156-01—Goodrich-Gannett Neighborhood Center.
- A-157-01—Watermark Restaurant.
- A-161-01—Wayne A. Speed.
- A-179-01—Charles & Linda Stanley, Jr.
- A-180-01—Barbara A. Eanes.
- A-182-01—13th Street Co. Ltd.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

\* \* \*

**APPROVAL OF MINUTES:**

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

December 5, 2001

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

\* \* \*

EUGENE CRANFORD, JR.,  
Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE



**CITY OF CLEVELAND BIDS****For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**WEDNESDAY, JANUARY 2, 2002**

**Ostend Avenue Sewer Project**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 845-01.

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

December 19, 2001 and December 26, 2001

**WEDNESDAY, JANUARY 9, 2002**

**Various Fertilizers, Pesticides and Seeds for the Use at Highland and Seneca Golf Courses**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 81-01, passed by the Council of the City of Cleveland, April 9, 2001.

**Document Imaging/Management System**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1005-2000, passed by the Council of the City of Cleveland, July 17, 2000.

**High Voltage Switching Equipment**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **MANDATORY PRE-BID MEETING ON THURSDAY, JANUARY 3, 2002, AT 10:00 A.M., LOCATED AT CLEVELAND PUBLIC POWER, 1300 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.**

December 19, 2001 and December 26, 2001

**THURSDAY, JANUARY 10, 2002**

**Various Light and Dark Beer in 12 Ounce Cans**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 81-01, passed by the Council of the City of Cleveland, April 9, 2001.

**Key Cards and Accessories**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 286-01, passed by the Council of the City of Cleveland, April 9, 2001.

December 19, 2001 and December 26, 2001

**FRIDAY, JANUARY 11, 2002**

**Radiator Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 380-01, passed by the Council of the City of Cleveland, April 9, 2001.

December 19, 2001 and December 26, 2001

**FRIDAY, JANUARY 26, 2002**

**Relocation of Employee Parking Lot to the Riveredge Site Project**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 912-2000, passed by the Council of the City of Cleveland, July 18, 2001.

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

THERE WILL BE A **PRE-BID MEETING ON TUESDAY, JANUARY 8, 2002 AT 2:00 P.M. TO 4:00 P.M., LOCATED AT THE ENGINEERING BUILDING PMT CONFERENCE ROOM), 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

PLEASE VISIT THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT WEB SITE @ [www.clevelandairport.com](http://www.clevelandairport.com) FOR FURTHER INSTRUCTIONS OR FAX ANY QUESTIONS TO DEBORAH MIDGETT, MONDAY - FRIDAY 9:00 A.M. TO 5:00 P.M. AT (216) 664-2177.

December 19, 2001 and December 26, 2001

**FRIDAY, JANUARY 11, 2002**

**Ike Jackets**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1265-01, passed by the Council of the City of Cleveland, June 19, 2001.

**The Planting of Trees Citywide**, for the Division of Park Maintenance

& Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1078-01, passed by the Council of the City of Cleveland, June 19, 2001.

THERE WILL BE A **MANDATORY PRE-BID MEETING HELD ON FRIDAY, JANUARY 4, 2002, AT 1:00 P.M., LOCATED AT THE OFFICE OF URBAN FORESTRY, 7250 EAST 88TH STREET, CLEVELAND, OHIO 44108.**

December 26, 2001 and January 2, 2002

**FRIDAY, JANUARY 25, 2002**

**Bomb Protection Suit**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by the Council of the City of Cleveland, May 21, 2001.

December 26, 2001 and January 2, 2002

**ADOPTED RESOLUTIONS AND ORDINANCES****Res. No. 2200-01.**

**By Councilman Cimperman (by request).**

**An emergency resolution declaring the intention to vacate a portion of West 10th Street.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of West 10th Street as hereinafter described; 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 it hereby declares its intention to vacate portions 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 the Easterly (25.00 feet) of West 10th Street (50.00 feet wide) extending Southerly 55.00 feet from the most Southerly line of West 10th Street (50.00 feet wide) vacated by the Council of the City of Cleveland by Ordinance Number 392-63, passed by the Council of the City of Cleveland, on August 15, 1963.

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

Adopted December 10, 2001.

Effective December 19, 2001.

**Res. No. 2426-01.**

**By Councilman Brady.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3312 W. 105th St., Unit A.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the trans-

fer of ownership of a C2 and C2X Liquor Permit from Permit No. 40873760010, Edmon M. Husary, DBA Almira Beverage, 3312 W. 105th St., Cleveland, Ohio 44111 to Permit No. 5339513, Lucky Mart Stop Inc., DBA Almira Beverage, 3312 W. 105th St., Unit A, Cleveland, Ohio 44111; 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 C2 and C2X Liquor Permit from Permit No. 40873760010, Edmon M. Husary, DBA Almira Beverage, 3312 W. 105th St., Cleveland, Ohio 44111 to Permit No. 5339513, Lucky Mart Stop Inc., DBA Almira Beverage, 3312 W. 105th St., Unit A, Cleveland, Ohio 44111 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 10, 2001.  
Effective December 19, 2001.

**Res. No. 2427-01.**  
**By Councilmen Cimperman, Dolan, Cintron, Brady and Jones.**

**An emergency resolution supporting Head Start workers at the Community United Head Start in negotiations for a fair and equitable employee contract and urging Community United Head Start management to negotiate a fair contract for their employees.**

Whereas, Head Start workers at the Community United Head Start, with the help of Service Employees International Union District 1199, are fighting for their first contract; and

Whereas, the workers first organized their union two and 1/2 years ago, along with Head Start workers at Catholic Charities and Neighborhood Centers Association in Cleveland; and

Whereas, the workers at Catholic Charities and Neighborhood Centers Association have negotiated employee contracts; and

Whereas, Community United Head Start is making unreasonable contract demands on its workers including reduced sick leave and vacation, fewer holidays, layoffs not based on seniority, no guarantees regarding health benefits or management's contribution to health benefits, and no guarantees regarding equitable wage increases; and

Whereas, Community United Head Start workers work hard to provide quality care and service to our young children and deserve to be treated fairly by Community United management; and

Whereas, Community United Head Start workers are holding a rally on December 10, 2001 at the Community United Administration Building to garner support for a fair employee contract; 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 supports Head Start workers at the Community United Head Start in negotiations for a fair and equitable employee contract and urges Community United Head Start management to negotiate a fair contract for their employees.

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

Adopted December 10, 2001.  
Effective December 19, 2001, without the signature of the Mayor.

**Res. No. 2428-01.**  
**By Councilman Jones.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 17115 Miles Ave., 1st Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the trans-

fer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 0738196, George Blackwell, 17115 Miles Ave., 1st Fl., Cleveland, Ohio 44128 to Permit No. 3380325, John M. Griffin, 17115 Miles Ave., 1st Fl., Cleveland, Ohio 44128; 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 D1, D2, D3 and D3A Liquor Permit from Permit No. 0738196, George Blackwell, 17115 Miles Ave., 1st Fl., Cleveland, Ohio 44128 to Permit No. 3380325, John M. Griffin, 17115 Miles Ave., 1st Fl., Cleveland, Ohio 44128 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 10, 2001.  
Effective December 19, 2001.

**Res. No. 2429-01.**  
**By Councilman Polensek.**  
**An emergency resolution declaring the necessity and intention to appropriate property for public use for the expansion of the Humphrey Sports Complex.**

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 expanding and improving the Humphrey Sports Complex, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 113-17-011  
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning at a point in the Southerly line of Lake Shore Boulevard (80 feet wide distant North 70 degrees 28' 05" East 1366.82 feet therein from its point of intersection with the Easterly line of East 156th Street (60 feet wide); Thence continuing North 70 degrees 28' 05" East 698.21 feet along said Southerly line of Lake Shore Boulevard to its point of intersection with the Easterly line of said Tract No. 16; Thence South 0 degrees 28' 45" West 374.62 feet along said Easterly line of Tract No. 16 to a point; Thence South 70 degrees 28' 05" West 569.88 feet to a point; Thence North 19 degrees 31' 55" West 352.00 feet to the place of Beginning, according to a Survey by Robert H. Krause, Sr. Registered Ohio Surveyor No. 2885, July 10, 1967, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Finance is hereby authorized to cause written notice of 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 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted December 10, 2001.  
 Effective December 19, 2001, with-  
 out the signature of the Mayor.

**Ord. No. 214-01.**  
**By Councilmen Cintron, Polensek and Cimperman.**

**An emergency ordinance to amend Sections 603.06, 603.07, 603.08 and 603.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various Ordinances relating to penalties for abandoning, killing or cruelty to animals, and supplementing said Codified Ordinances by enacting new Sections 603.091, 603.032 and 603.072 relating to the treatment of animals.**

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

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

**Section 1.** That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 603.06 as amended by Ordinance No. 1020-76, passed June 14, 1976;

Section 603.07, as amended by Ordinance No. 304-85, passed April 15, 1985; and

Sections 603.08 and 603.09 as amended by Ordinance No. 90-96, passed March 18, 1996 are hereby amended to read, respectively, as follows:

**Section 603.06 Abandoning Animals**

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal.

(b) Whoever violates this section is guilty of abandoning animals, a misdemeanor of the first degree.

**Section 603.07 Killing or Injuring Animals**

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(b) Whoever violates this section is guilty of killing or injuring animals, a misdemeanor of the first degree.

**Section 603.08 Poisoning Animals**

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry, or any other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any poisonous or hazardous food, drink or other substance where it may be easily found and ingested by any of such animals, either upon his own lands or the lands of another.

(b) Whoever violates this section is guilty of poisoning animals, a misdemeanor of the first degree.

**Section 603.09 Cruelty to Animals**

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from wind, rain, snow or excessive direct sunlight, if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This subsection (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section "Shelter" means a manmade enclosure, windbreak, sunshade, or natural earth's contour, tree development or vegetation;

(3) Carry or convey an animal in a cruel or inhumane manner;

(4) Keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight hours after they are so placed without supplying them with necessary food, water, and attention, nor permit such stock to be so crowded as to overlie, crush, wound, or kill each other.

(b) Upon the written request of the owner or person in custody of any particular shipment of livestock, which written request shall be separate and apart from any printed bill of lading or other railroad form, the length of time in which such livestock may be detained in any cars or compartments without food, water, and attention, may be extended to thirty-six hours without penalty therefor. This section does not prevent the dehorning of cattle.

(c) All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there be such in the county, township, or municipal corporation where such violation occurred.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

**Section 2.** That existing Section 603.06 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 1020-76, passed June 14, 1976; Section 603.07, as amended by Ordinance No. 304-85, passed April 15, 1985; and Sections 603.08 and 603.09 as amended by Ordinance No. 90-96, passed March 18, 1996 are hereby repealed.

**Section 3.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 603.091, 603.032 and 603.072 thereof, to read as follows:

**Section 603.091 Neglect of Animals**

(a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal.

(b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.

(c) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

- (3) Regular exercise sufficient to maintain the animal's good health;  
 (4) Necessary veterinary care;  
 (5) Shelter from the elements.

(d) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:

(1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(2) The shelter, cage or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;

(3) The shelter, cage or pen shall be regularly cleaned and sanitized.

(e) Whoever violates this section is guilty of neglect of animals, a misdemeanor of the first degree.

**Section 603.032 Maximum Number of Dogs and Cats Permitted; Prior Acquisition Not Affected**

(a) Upon the effective date of this section, no pet owner shall be permitted to keep more than four dogs, puppies, cats or kittens over three months of age, or any combination thereof, within the City. However, any pet owner owning more than four of such animals upon the effective date of this section shall be permitted to continue such ownership; whenever any of such animals dies, is sold, or is given away, such owner shall not be permitted to replace such animal if such replacement would bring the total number of animals to more than four. There shall not be more than one pet owner permitted to live in any dwelling unit in the city. This section shall not apply to any county or city kennel, the Animal Protective League, animal shelters or such other licensed agencies that house animals for protection, sale or safety.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

**Section 603.072 Illegal Fights between Animals**

(a) No person shall cause a dog, cat or other animal to fight another dog, cat or other animal for gambling, entertainment or any other purpose, for profit or otherwise. This section does not regulate fighting between dogs as prohibited under the State Code (RC Chapter 959).

(b) Whoever violates this section is guilty of illegally causing fighting between animals, a misdemeanor of the first degree.

**Section 4.** That Section 603.032 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by this ordinance, shall expire and be of no further force an effect six months after the date of passage of this ordinance.

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

Passed December 10, 2001.  
 Effective December 19, 2001.

**Ord. No. 1146-01.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide for the design of south water mains.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide for the design of south water mains.

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

**Section 2.** That the cost of said contract hereby authorized shall not exceed \$3,000,000.00 and shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, Request No. 34024.

**Section 3.** The Director of Public Utilities shall provide to the Public Utilities Committee the terms and scope of the services of the contract authorized in Section 1.

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

Passed December 10, 2001.  
 Effective December 19, 2001.

**Ord. No. 1345-01.**

**By Councilman Jackson.**

**An emergency ordinance to enact new Sections 641.031, 643.15 and 645.99; and to amend Sections 641.06, 641.09, 641.11, 641.12, 643.02, 643.05, 643.06, 643.11, 643.99, 647.99, 649.04, 649.99, 651.99, 653.02, 653.99, 655.99, 656.05, 656.99, and 657.99 of the Codified Ordinances of Cleveland, Ohio, 1976, thereof, in the Consumer Protection Code of the City.**

Whereas, changes are needed to update and improve the Consumer Protection Code of the City, Title III, of the Codified Ordinances, so that consumers in the City will be better protected in certain consumer transactions and protected from fraudulent or otherwise unlawful practices; and

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 641.031, 643.15 and 645.99 thereof, to read as follows:

**641.031 Consumer Transaction**

"Consumer transaction" means a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. "Consumer transaction" does not include transactions between persons, defined in sections 4905.03 of the Ohio Revised Code, and their customers; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services. "Consumer transaction" also does not include transactions between persons, defined in 5725.01 of the Ohio Revised Code, including FDIC insured depository institutions and their operating subsidiaries, and their customers unless otherwise provided by federal or state law, statute, or rule.

**643.15 Effect on Other Remedies**

The remedies in this Code, are in addition to remedies otherwise available for the same conduct under federal, state or local law.

**645.99 Penalty**

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**Section 2.** That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976, Section are hereby amended as follows:

(a) Sections 641.06, 641.09, 641.11, 641.12, and 643.02 as enacted by Ordinance No. 729-72, passed June 26, 1972;

(b) Section 643.05 as amended by Ordinance No. 1668-91, passed October 21, 1991;

(c) Section 643.06 as amended by Ordinance No. 3081-77, passed December 2, 1977;

(d) Sections 643.11 and 643.99 as enacted by Ordinance No. 729-72, passed June 26, 1972;

(e) Section 647.99 as enacted by Ordinance No. 2269-74, passed June 30, 1975;

(f) Sections 649.04 and 649.99 as amended by Ordinance No. 1208-81, passed December 20, 1982;

(g) Section 651.99 as enacted by Ordinance No. 1640-73, passed August 10, 1973;

(h) Section 653.02 as amended by Ordinance No. 783-49, passed March 6, 1950;

(i) Section 653.99 as enacted by Ordinance No. 830-A-42, passed July 10, 1942, and as amended by Ordinance No. 783-49, passed March 6, 1950;

(j) Section 655.99 as enacted by Ordinance No. 628-50, passed November 20, 1950;

(k) Section 656.05 as amended by Ordinance No. 2825-90, passed December 17, 1990;

(l) Section 656.99 as amended by Ordinance No. 643-99, passed December 13, 1982; and

(m) Section 657.99 as amended by Ordinance No. 2297-90, passed November 5, 1990;

#### 641.06 Goods

"Goods" means all movable things, wares, materials, merchandise, and fixtures whether or not in existence at the time of the transaction except money, securities and chattel paper, but including merchandise certificates.

#### 641.09 Services

"Services" means and includes, but is not limited to, work, labor, consumer transactions, privileges and all other accommodations which are primarily for personal, family or household purposes.

#### 641.11 Unfair or Deceptive Trade Practices

Unfair or deceptive trade practices are hereby declared to be unlawful and prohibited. "Unfair or deceptive trade practices" means any act, omission or practice undertaken by a merchant which is false, deceptive, fraudulent or misleading and results in or is intended to result in a consumer transaction. Unfair or deceptive trade practices include but are not limited to the following:

(a) Passing off goods or services as those of another;

(b) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;

(c) Causing likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by another;

(d) Using deceptive representations or designations of geographic origin in connection with goods or services;

(e) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation or connection that he does not have;

(f) Representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or second-hand;

(g) Representing that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another;

(h) Disparaging the goods, services or business of another by false or misleading representation of fact;

(i) Advertising goods or services with intent not to sell them as advertised;

(j) Advertising goods or services with intent not to supply reasonably expectable public demand unless the advertisement discloses a limitation of quantity;

(k) Making false or misleading statements of fact concerning reasons for, existence of or amounts of price reductions;

(l) Representing that the consumer transaction confers or involves rights, remedies or obligations that it does not have or involve or which are prohibited by law;

(m) Representing that a part, replacement or repair service is needed when it is not;

(n) Representing that the subject of a consumer transaction has been supplied in accordance with a previous representation when it is not;

(o) Causing likelihood of confusion or of misunderstanding with respect to the authority of a salesman, representative or agent to negotiate the final terms of a transaction with a consumer;

(p) Making false or misleading statements relating to determining the value of real property or manufactured homes in a consumer transaction;

(q) Engaging in any other act or practice which creates a likelihood of deceiving or misleading the consumer;

(r) Definitions and specifications of unfair or deceptive trade practices contained in rules and regulations promulgated by the Director;

(s) Any act, omission, or practice inconsistent with laws of the State of Ohio, federal law, and rules and regulations promulgated under either State or federal law, and decisions of the Federal Trade Commission, and Federal and State courts, relating to consumer protection.

#### 641.12 Unconscionable Trade Practices

Unconscionable trade practices are hereby declared to be unlawful and prohibited. "Unconscionable trade practices" means any act, omission or practice undertaken by a merchant which unfairly takes advantage of the lack of knowledge, ability, experience or capacity of a consumer; or results in a gross disparity between the value received by a consumer and the price paid, to the consumer's detriment. "Unconscionable trade practices" shall also mean any act or practice declared unconscionable by statute, by regulation, by decision of a judicial body or administrative body in the State of Ohio, or by a rule or regulation promulgated by the Director. In promulgating such rules and regulations the Director shall consider among other factors:

(a) Knowledge by merchants engaging in the act or practice of the inability of consumers to receive properly anticipated benefits from the goods or services involved;

(b) Gross disparity between the price of goods or services and their value measured by the price at which similar goods or services are readily obtained by other consumers;

(c) The fact that the acts or practices may enable merchants to take advantage of the inability of consumers reasonably to protect their interests by reason of physical or mental infirmities, illiteracy or inability to understand the language of the agreement, ignorance or lack of education, or similar factors;

(d) The degree to which terms of the transaction require consumers to waive legal rights;

(e) The degree to which terms of the transaction require consumers to jeopardize money or property

beyond the money or property immediately at issue in the transaction; and

(f) Definitions of unconscionability in statutes, regulations, rulings and decisions of legislative, administrative or judicial bodies in this State or elsewhere.

#### 643.02 Unfair, Deceptive and Unconscionable Trade Practices Prohibited

No person shall engage in any unfair, deceptive or unconscionable consumer trade practices in the sale, lease, rental or loan, or in the offering for sale, lease, rental or loan of any goods or services.

#### 643.05 Duties of the Director of Consumer Affairs

The Director of Consumer Affairs under the supervision and direction of the Mayor and subject to the Charter and ordinances of the City, shall have the authority to:

(a) Delegate and appoint personnel in the Office of Consumer Affairs to aid and assist the Director in the proper discharge of his or her duties and powers;

(b) Supervise the execution and enforcement of all laws, rules and regulations pertaining to consumer affairs as provided in this Code;

(c) Receive moneys and issue vouchers for the disbursement of moneys in accordance with the terms of any stipulated settlement agreement made pursuant to division (a) of Section 643.13 of these Codified Ordinances;

(d) Investigate, hear and determine complaints of violations of this Code and make inspections and observations, hold hearings and subpoena witnesses and relevant matter as he or she deems necessary to effectuate this Code. Records shall be maintained of all such investigations, complaints, inspections, observations, hearings, testimony, evidence received and action taken, if any;

(e) Institute complaints against all violations of any provisions of this Code and institute necessary legal proceedings, either personally or through his or her representative;

(f) Make studies, conduct tests and establish programs to educate and inform consumers of practices and problems and represent the interest of consumers before administrative and regulatory agencies;

(g) Work with governmental agencies and private consumer groups to insure the protection of consumers and to coordinate activities for the common municipal good;

(h) Make a written annual report to the Mayor enumerating the activities and recommendations of the Office of Consumer Affairs;

(i) Do any and all acts which may be necessary for the successful prosecution of the purposes of this Code and such other acts as may be specifically enumerated herein including, but not limited to requiring that certain classes of merchants be licensed by the Office of Consumer Affairs subject to approval by Council through the Commissioner of Assessments and Licenses when the Director determines such licensing to be in the public interest and necessary for the protection of consumers.

**643.06 Rules and Regulations**

The Director of Consumer Affairs, under the supervision and direction of the Mayor and after having consulted with the Consumers Council, and after having held a public hearing affording interested persons an opportunity to be heard, may adopt, amend or alter written rules and regulations of this Code to protect consumers, including regulations defining specific unfair and unconscionable trade practices. Such rules and regulations must be reviewed by the Director of Law and shall not conflict with nor waive any provisions of this Code or any ordinance of the City, or be inconsistent with the rules, regulations and decisions of the Federal Trade Commission, the laws of the State or the decisions of Federal and state courts relating thereto, nor shall they be the basis for criminal prosecutions for violations of this Code. Such rules and regulations and amendments thereto and alterations thereof shall become effective after two successive publications in the City Record. No rule or regulations shall be adopted, amended or altered or of any effect without the prior approval and consent of Council.

**643.11 Enforcement Actions and Consumer Remedies**

(a) All legal actions initiated by the Director of Consumer Affairs to enforce this Code shall be brought by the Director of Law upon written request by the Director of Consumer Affairs. In addition to recovery of fines as provided by this Code, actions may be brought for injunctive relief in any court of competent jurisdiction to restrain a person from violating this Code or the rules or regulations pursuant thereto, and to restrain a merchant from engaging in unfair, deceptive, fraudulent or unconscionable conduct with consumers. To establish a cause of action under this Code it need not be shown that consumers are being or were actually damaged.

(b) The City or any person aggrieved by a violation of Title III, Consumer Protection Code, may at any time within two years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later, may apply to any court of competent jurisdiction for appropriate relief, including but not limited to:

(1) injunctive relief or an order otherwise compelling compliance with this Code;

(2) compensatory damages which may be trebled if the act, omission or practice violates Sections 641.11 or 641.12, and/or punitive damages;

(3) such other or further relief as is appropriate for the enforcement of this Code and elimination and prevention of violations thereof.

(c) The court may award to the City or the complainant reasonable attorneys' fees and costs of litigation, and the City shall recover its reasonable costs of investigation of the violation.

**643.99 Penalty**

(a) No person shall violate or participate in the violation of any provision of this Code or rules and regulations promulgated thereto.

(b) Whoever violates any provision of this Code, for which no

penalty is otherwise provided and for which state law does not apply an exclusive civil penalty, shall be fined not less than five hundred dollars (\$500.00), nor more than two thousand dollars (\$2,000.00) or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) In addition to the above penalties any person who violates any provision of this Code or any rules or regulations promulgated pursuant thereto shall be subject to an order of a court of competent jurisdiction when appropriate in granting equitable relief to ensure justice with regard to the transaction which is the subject of the violation of this Code or any rule or regulation promulgated thereto.

(d) In addition to the penalties and remedies above, any person aggrieved by any violation of this Code may pursue remedies authorized by Section 643.11 of this Code.

**647.99 Penalty**

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**649.04 Tire Inflation Equipment**

Every person, firm, copartnership, association or corporation subject to Section 649.01, shall, during the hours when such business is open to the general public, have available on the premises equipment normally and customarily used for inflating automobile tires, in good working order, and shall permit any operator of an automobile to use such equipment upon request. Air pumps shall be located to provide easy access for customer use.

**649.99 Penalty**

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**651.99 Penalty**

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**653.02 Untrue and Misleading Advertising**

No person, with intent to sell or in anywise dispose of goods or service, or anything offered directly or indirectly to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public, in the City of Cleveland, an advertisement of any

sort regarding goods, service or representation so offered to the public, which contains any assertion representation or statement which is untrue, deceptive or misleading, or fails to disclose that the quantity is limited, if such is the case.

**653.99 Penalty**

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99. Each fraudulent advertisement for the sale of such designated items or materials constitutes a separate offense.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**655.99 Penalty**

(a) Whoever violates Section 655.01 shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**656.05 Default by Buyer; Cancellation of Agreement Before Default**

(a) No buyer shall be in default under a layaway agreement until a required payment remains unpaid for at least thirty days after the scheduled payment date.

(b) If the seller's layaway agreement includes a liquidated damages clause as permitted in paragraph (e) of this Section, the buyer shall not be in default until at least ten (10) days after the seller mails a notice of the default to the last known address of the buyer. The notice shall be mailed using certified mail, return receipt requested, or by regular mail evidenced by a properly completed and stamped certificate of mailing by regular mail. Such notice shall state:

(1) The fact that the buyer has failed to comply with the layaway arrangements;

(2) In what manner the buyer has failed to comply with the layaway arrangement;

(3) The date upon which the buyer will be in default should payment not be forthcoming;

(4) The amount of money which must be paid by the buyer to avoid default; and

(5) The exact consequences of the buyer's default.

(c) If the seller's layaway agreement does not include a liquidated damages clause, or if the layaway price of the specific goods subject to the layaway arrangement is one hundred dollars or less, no written notice need be sent to the buyer as a prerequisite to the buyer's default.

(d) Upon the buyer's default, the seller may cancel the layaway agreement and the balance of the monies paid shall be refunded by the seller to the buyer. Where the layaway agreement contains a liquidated damages provision, cancellation shall be in accordance with paragraph (b) of this Section, and the seller may recover liquidated damages as permitted in paragraph (e) of this Section.

(e) If the buyer defaults under a layaway agreement, and the agreement contains a liquidated damages provision, the seller may retain as liquidated damages an amount not to exceed the lesser of twenty-five dollars or ten per cent of the cash

price of the goods subject to the layaway agreement. Any balance due to the buyer shall be refunded by the seller in cash or by due bill at the option of the buyer.

(f) The buyer may, at any time before delivery or tender of delivery, and before default, cancel the layaway agreement. In such event, the seller may retain from the refund due the buyer liquidated damages in an amount not to exceed the layaway charge plus the lesser of either twenty-five dollars or ten per cent of the cash value of the goods subject to the layaway agreement. The balance shall be refunded by the seller to the buyer in cash or by due bill at the option of the buyer.

(g) Unless otherwise provided in the layaway agreement, paragraphs (d), (e) and (f) of this section do not apply to a special order transaction.

#### 656.99 Penalty

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

#### 657.99 Penalty

(a) Whoever violates any provisions of this Chapter shall be subject to the penalties provided in Section 643.99.

(b) In addition to the penalties above, any person aggrieved by any violation of this Chapter may pursue remedies authorized by Section 643.11 of this Code.

**Section 3.** That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976, are hereby repealed:

(a) Sections 641.06, 641.09, 641.11, 641.12, and 643.02 as enacted by Ordinance No. 729-72, passed June 26, 1972;

(b) Section 643.05 as amended by Ordinance No. 1668-91, passed October 21, 1991;

(c) Section 643.06 as amended by Ordinance No. 3081-77, passed December 2, 1977;

(d) Sections 643.11 and 643.99 as enacted by Ordinance No. 729-72, passed June 26, 1972;

(e) Section 647.99 as enacted by Ordinance No. 2269-74, passed June 30, 1975;

(f) Sections 649.04 and 649.99 as amended by Ordinance No. 1208-81, passed December 20, 1982;

(g) Section 651.99 as enacted by Ordinance No. 1640-73, passed August 10, 1973;

(h) Section 653.02 as amended by Ordinance No. 783-49, passed March 6, 1950;

(i) Section 653.99 as enacted by Ordinance No. 830-A-42, passed July 10, 1942, and as amended by Ordinance No. 783-49, passed March 6, 1950;

(j) Section 655.99 as enacted by Ordinance No. 628-50, passed November 20, 1950;

(k) Section 656.05 as amended by Ordinance No. 2825-90, passed December 17, 1990;

(l) Section 656.99 as amended by Ordinance No. 643-99, passed December 13, 1982; and

(m) Section 657.99 as amended by Ordinance No. 2297-90, passed November 5, 1990.

**Section 4.** That this ordinance is hereby declared to be an emergency

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

Passed December 10, 2001.

Effective December 19, 2001, without the signature of the Mayor.

#### Ord. No. 1727-01.

**By Councilmen Cintron, Cimperman, Gordon, Jackson and Patmon (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southwest corner of West 11th Street and Abbey Avenue to the Jane A. Clark Trust.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the southwest corner of West 11th Street and Abbey Avenue; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

0.442 Acre Parcel on West 11th Street  
Cleveland, Cuyahoga County

(a.k.a. Permanent Parcel Number  
004-09-065)

#### Southerly Portion

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 17 in the George Worthington Resubdivision of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 5, Page 41 of Cuyahoga County Record of Plats;

Beginning on the west line of West 11th Street, 100 feet wide at the Northeast corner of Sublot No. 18, of said George Worthington Resubdivision;

Thence South 89° 22' 56" West, 105.11 feet along the North line of said Sublot No. 18 to a point on the East line of West 12th Street, 11 feet wide;

Thence North 00° 36' 25" West, 18.81 feet along said East line of West 12th Street, to a point on the South line of Abbey Avenue S.W. Extension, 60 feet wide;

Thence North 89° 55' 57" East, 105.11 feet along said South line of Abbey Avenue S.W. Extension to a point on said West line of West 11th Street;

Thence South 00° 36' 30" East, 17.80 feet along said West line of West 11th Street to the place of beginning;

And containing 0.442 acres of land, be the same more or less but subject to all legal highways and easements of record, as calculated and described in June, 2000 by

David W. Novak, P.S. No. 7507. Legal description based on a survey for the Abbey Avenue, S.W. Extension prepared by the City of Cleveland, Engineering Division, and dated October, 1957. Bearings used herein are based on said survey for the Abbey Avenue S.W. Extension, are used to denote angular relationship only, and do not relate to true north.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Jane A. Clark Trust at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor, the Director of Parks, Recreation and Properties and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 10, 2001.

Effective December 19, 2001.

#### Ord. No. 1738-01.

**By Councilmen Lewis and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into contract without competitive bidding with Iron Mountain/National Underground Storage, Inc. for lease of space for the storage of records, and the purchase of services related to the storage of records, for a period of one year with two one-year options to renew.**

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

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

**Section 1.** That notwithstanding any provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is hereby authorized to enter into a rental agreement with Iron Mountain/National Underground Storage, Inc. ("NUS") for the rental of approximately 14,000 cubic feet of space for the storage of records of the Cleveland Municipal Court. The rental agreement shall be for a period of one year, with two (2) options exercisable by the Director of Finance, to renew for additional one-year terms, and cancellable upon thirty days written notice by said Director.

**Section 2.** That the rental agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 3.** That it is hereby determined that the within commodities are non-competitive and incidental to the lease of space authorized by Section 1 of this ordinance, and cannot be secured from any source other than NUS. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to make a written requirement contract with said NUS for miscellaneous reference and retrieval services, such as filing, file delivery, faxing, photocopying, entry and destruction of records, for a period of one year, with two (2) options exercisable by the Director of Finance, to renew for additional one-year terms, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Cleveland Municipal Court.

**Section 4.** That the cost of the rental agreement and related services hereby authorized shall be paid from Fund No. 01-011601-636000, Request No. 8120.

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

Passed December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 1742-01.**

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

**An emergency ordinance authorizing the purchase by requirement contract of the disposal of debris at landfills, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of the disposal of debris at landfills, 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 Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years

may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of said contract shall not exceed \$950,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 102101)

**Section 3.** That the written contract authorized herein shall contain a provision providing that it is a material breach and cause to cancel the contract for the contractor to dump debris from a City project on private residential property regardless of any permit possessed by the private residential property owner.

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

Passed December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 1749-01.**

**By Councilmen Rybka and Patmon (by departmental request).**

**An emergency ordinance to amend the title, and Sections 2 and 3 of Ordinance No. 1075-01, passed August 2001, relating to a grant from the State of Ohio, Department of Natural Resources for the Round 8 NatureWorks Program and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.**

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

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

**Section 1.** That the title, and Sections 2 and 3 of Ordinance No. 1075-01, passed August 15, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the State of Ohio, Department of Natural Resources for the Round 8 NatureWorks Program; determining the method of making the public improvement of rehabilitating Walter A. Burks park and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

**Section 2.** That the project description for said grant, File No. 1075-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide twenty-five percent (25%) of the total project cost from Fund No. 14 SF 027.

**Section 3.** That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating Walter A. Burks park for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the existing title, and Sections 2 and 3 of Ordinance No. 1075-01, passed August 15, 2001, are hereby repealed.

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

Passed December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 1820-01.**

**By Councilmen Rybka, Jackson, Cimperman and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into a property adoption agreement with the Slavic Village Development Corporation for the landscaping and maintenance of property located at 7605-7615 Harvard Avenue.**

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 and Section 133.24 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is hereby authorized to enter into a property adoption agreement with the Slavic Village Development Corporation for the landscaping and maintenance of property located at 7605-7615 Harvard Avenue, described as follows:

7605-7615 Harvard Avenue  
133-15-001 and 002

Parcel No. 001

And known as being part of Sublot No. 45 in Gains Burke's Subdivision of part of Original One Hundred Acre Lots Nos. 315 and 455, as shown by the recorded plat in Volume 2 of Maps, Page 57 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Southeasterly line of Jones Avenue, S.E., with the Northerly line of Harvard Avenue, S.E.;

Thence Northeasterly along the Southeasterly line of Jones Avenue, S.E., 93.8 feet to the intersection of said line with the Westerly line of land conveyed by George Stefanik and Susie Stefanik to Walter J. Kusion, Edward L. Szabo and Bernard J. Howak, by deed dated September 19, 1949, and filed for record September 28, 1949, as Recorder's File No. 283617;

Thence Southerly along the Westerly line of land so conveyed to



Walter J. Kusion, et al. to the Northerly line of Harvard Avenue, S.E.;

Thence Westerly along the Northerly line of Harvard Avenue, S.E., 83.3 feet to the place of beginning.

Parcel No. 002:

And known as being part of Sublot No. 45 in Gains Burke's Subdivision of part of Original One Hundred Acre Lots Nos. 315 and 455, and shown by the recorded plat in Volume 2 of Maps, Page 57 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the Southeasterly line of Jones Avenue, S.E., at a point 93.8 feet Northeasterly measured along said Southeasterly line from its intersection with the Northerly line of Harvard Avenue, S.E. (formerly Harvard Street);

Thence Northeasterly along the Southeasterly line of Jones Avenue, S.E., about 25 feet to the Northwest corner of land conveyed to Samuel F. Perkins, by deed dated June 16, 1891 and recorded in Volume 494, Page 323 of Cuyahoga County Records;

Thence Southerly along said Westerly line of land so conveyed to Samuel F. Perkins about 40.92 feet to an angle point therein;

Thence continuing Southerly along the Westerly line of land so conveyed about 41.82 feet to the Northerly line of Harvard Avenue, S.E.;

Thence Westerly along said Northerly line of Harvard Avenue, S.E., 35 feet to a point 83.3 feet Easterly from the intersection with the Southeasterly line of Jones Avenue, S.E.;

Thence Northerly to the place of beginning.

**Section 2.** That the term of the property adoption agreement shall be one year, renewable for additional one-year terms.

**Section 3.** That this property adoption shall not be construed as a conveyance of any right, title, or interest in public property, but is the grant of a privilege revocable at the will of Council.

**Section 4.** That the Director of Community Development is authorized to accept the gift of any improvements to the adopted property landscaped and maintained by the Slavic Village Development Corporation, said improvements to be paid for by Slavic Village Development Corporation from their own funds and not from funds received from the City.

**Section 5.** That the property adoption agreement hereby authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

Passed December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 1854-01.**  
**By Councilman Patmon (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 316-2000, passed April 17, 2000, relating to a requirement contract of labor and materials necessary to refill, repair and replace fire extinguishers.**

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

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

**Section 1.** That Section 1 of Ordinance No. 316-2000, passed April 17, 2000, is hereby amended to read as follows:

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to refill, repair and replace fire extinguishers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years 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 existing Section 1 of Ordinance No. 316-2000, passed April 17, 2000, 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 December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 1857-01.**  
**By Councilmen Polensek, Westbrook, Brady, Jackson, Reed, Johnson, Sweeney, Dolan, Cimperman, Cintron and Patmon (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 2002 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 Western Avenue, Kinsman Road, Bellaire Road, St. Clair Avenue and various Big Creek Tributary culverts.**

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. Western Avenue (from West Boulevard to West 117th Street);
2. Kinsman Road (from East 93rd Street to the eastern corporation line);
3. Bellaire Road (from West 105th Street to West 130th Street);
4. St. Clair Avenue (from West 3rd Street to East 55th Street); and
5. Big Creek Tributary Culverts (Emery Avenue, Erwin Avenue, Gilmore Avenue, Guardian Boulevard, Harold Avenue, Leeila Avenue, Longwood Avenue, Milligan Avenue, John Nagy Boulevard, St. John Avenue and Summerland Avenue)

**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 2002 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 \$2,880,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Western Avenue from West Boulevard to West 117th Street; 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 \$720,000, to be paid from the fund or funds to which are credited revenues of the Division of Water 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 \$6,912,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Kinsman Road from East 93rd Street to the eastern 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 \$1,720,000, to be paid from the fund

or funds to which are credited revenues of the Division of Water 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 \$7,328,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating Bellaire Road from West 105th Street to West 130th Street; 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 \$1,832,000, to be paid from the fund or funds to which are credited revenues of the Division of Water 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 \$7,600,000, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating St. Clair Avenue from West 3rd Street to East 55th Street; 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 \$1,900,000, to be paid from the fund or funds to which are credited revenues of the Division of Water and the proceeds of the sale of general obligation bonds issued for this purpose.

**Section 7.** That the Mayor is hereby authorized to accept a grant in the approximate amount of \$2,649,600, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of rehabilitating the following Big Creek tributary culverts: Emery Avenue, Erwin Avenue, Gilmore Avenue, Guardian Boulevard, Harold Avenue, Leela Avenue, Longwood Avenue, Milligan Avenue, John Nagy Boulevard, St. John Avenue and Summerland Avenue; 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 \$662,400, to be paid from the fund or funds to which are credited revenues of the Division of Water and the proceeds of the sale of general obligation bonds issued for this purpose.

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

Passed December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 1868-01.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7019 and 7021 Russell Court and 7004 Lexington Avenue to Greater Safeway Baptist Church.**

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). 106-15-118, 106-15-119 and 106-15-007, as more fully described below, to Greater Safeway Baptist Church.

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

P. P. No. 106-15-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 161 in the Streater and Adams Re-Subdivision of part of Original One Hundred Acre Lots Nos. 333 and 341 as shown by the recorded plat in Volume 13 of Maps, Page 6 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Russell Court N.E., at the Southeast corner of said Sublot No. 161 thence Northerly along the Easterly line said Sublot No. 161, 86.05 feet to a point distant 100 feet Southerly from the Southerly line of Lexington Avenue, N.E.; thence Westerly along a line parallel with and distant 100 feet Southerly from said Southerly line of Lexington Avenue, N.E., 26 2/3 feet; thence Southerly 85.97 feet to a point on the Northerly line of Russell Court N.E., distant 26 2/3 feet Westerly from the place of beginning; thence Easterly along said Northerly line of Russell Court N.E., 26 2/3 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-15-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 160 of Adams, Adams, Streater Re-Subdivision of part of Original One Hundred Acre Lots Nos. 338 and 341, recorded in Cuyahoga County Map Records Volume 13, Page 6 in said City, being 40 feet front on the North side of Russell Court and 40 feet wide in the rear. The West line of said South part of said Sublot No.

160 being 97-95/100 feet in the length and the East line 98-07/100 feet in length, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-15-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 98 feet of Sublot No. 164 in Streater and Adams' Re-Subdivision of part of Original One Hundred Acre Lots Nos. 338 and 341 as shown by the recorded plat in Volume 13 of Maps, Pages 6 and 7 of Cuyahoga County Records and being 40 feet front on the Southerly side of Lexington Avenue, N.E., and extending back of equal width 98 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1908-01.**

**By Councilmen Cintron and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of necessary items, including the grinding, curing, and mulching of Christmas trees and similar wood materials, collected by the Division of Waste Collection and Disposal, to implement the Christmas Tree Recycling Program, for the Division of Waste Collection and Disposal, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items, including the grinding, curing, and mulching of Christmas trees and similar wood materials, collected by the Division of Waste Collection and Disposal, to implement the Christmas Tree Recycling Program, in the estimated sum of \$75,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the contract authorized herein shall require the contractor to distribute a certain portion of the mulch created by this Christmas Tree Recycling Program to City residents at no charge and shall require the contractor to offer additional mulch created by this Christmas Tree Recycling Program to City residents at a discounted price.

**Section 3.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 112723)

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1909-01.**  
By Councilmen Rybka, White, Jackson, Cintron and Patmon (by departmental request).

**An emergency ordinance authorizing the Director of Economic Development to amend Railroad Program Grant No. 55657 between the City of Cleveland and Slavic Village Development to provide for sewer improvements in connection with the Mill Creek Waterfall and Trail Project.**

Whereas, pursuant to Ordinance No. 887-99, passed June 14, 1999, the Director of Economic Development entered into a Railroad Program Grant between the City of Cleveland and Slavic Village Development for the Mill Creek Waterfall and Trail Project; and

Whereas, sewer improvements in connection with the above mentioned project are required; and

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

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

**Section 1.** That the Director of Economic Development is authorized to amend Railroad Program Grant No. 55657 between the City of Cleveland and Slavic Village Development to provide for sewer improvements in connection with this project and to increase the amount of the grant by \$25,000, for a total of \$275,000. Said increase shall be paid from Fund No. 10 SF 526.

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1911-01.**  
By Councilman Jackson.  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Burten, Bell, Carr Development, Inc. for a Holiday Meals Program through the use of Ward 5 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Burten, Bell, Carr Development, Inc. for a Holiday Meals Program, for the public purpose of providing holiday meals to elderly residents that reside in neighborhood apartment complexes and to two community centers that serve the elderly through the use of Ward 5 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$3,000 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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1965-01.**  
By Councilman Jackson.  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2327 East 61st Street to Burten, Bell, Carr Development, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-29-103, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-29-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 in the Chamberlain Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat in Volume 3 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 61st Street and extending back of equal width 160 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

and covenants as are deemed necessary or appropriate.

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

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1969-01.**

**By Councilmen Westbrook, Jackson, Cintron, Cimperman and Patmon (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing site improvements at the West Tech Apartment Housing Project, and authorizing the Directors of Community Development and Public Service to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing site improvements at the West Tech Apartment Housing Project, for the Departments of Community Development and Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Directors of Community Development and Public Service are hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 10 SF 501, Request No. 103525.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1974-01.**

**By Councilmen Cintron, Jackson, Cimperman and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with The McGuffey School, Ltd. and The Covenant to provide for a ten year sixty-percent abatement for certain tangible personal property and real estate taxes as an incentive to complete the historic restoration and renovation of the former McGuffey School at 1515 West 29th Street, Cleveland, Ohio.**

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, The McGuffey School, Ltd. and The Covenant (the "Enterprise") have proposed to complete the historic restoration and renovation of the former McGuffey School at 1515 West 29th Street, Cleveland, Ohio; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

**Section 1.** That this Council hereby approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year sixty-percent (60%) abatement for certain tangible personal property and real estate taxes as an incentive to offset the cost of completing the historic restoration and renovation of

the former McGuffey School at 1515 West 29th Street, Cleveland, Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Summary contained in File No. 1974-01-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1979-01.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Friendly Inn Settlement, Incorporated to provide economic development assistance to partially finance building construction, site improvements and all other associated costs to redevelop the property located to the south of its current facility located at 2383 Unwin Road, Cleveland, Ohio 44104.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Section 108 loan with Friendly Inn Settlement, Incorporated to provide economic development assistance to partially finance building construction, site improvements and all other associated costs to redevelop the property located to the south of its current facility located at 2383 Unwin Road, Cleveland, Ohio 44104 (the "Improvement").

**Section 2.** That the Director of Economic Development is hereby authorized to enter into a grant agreement with Friendly Inn Settlement, Incorporated to receive Economic Development Initiative Grant

funds to partially finance the above-described Improvement.

**Section 3.** That the terms of said loan and grant shall be in accordance with the terms as set forth in the Summary contained in File No. 1979-01-A.

**Section 4.** That the costs of said contract shall not exceed a loan amount of \$960,000 and a grant amount of \$240,000. The loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the grant shall be paid from Fund No. 18 SF 003, Request No. 103919.

**Section 5.** That the Director of Economic Development is hereby authorized to accept collateral as set forth in the Summary contained in the file referenced in this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 7.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and such fees are hereby appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

**Section 8.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 1983-01.**

**By Councilman Rybka.**

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Slavic Village Development for the renovation of the Atlas Savings Building through the use of Ward 12 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 Economic Development is authorized to enter into an agreement with Slavic Village Development for the renovation of the Atlas Savings Building, for the public purpose of promoting commercial and retail activity and new job creation through the use of Ward 12 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$90,000 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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2027-01.**

**By Councilmen Cintron and Patman (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of automobile and truck spring parts, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall 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 103348)

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2029-01.**

**By Councilmen Cintron and Patman (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 2023-2000, passed December 18, 2000, relating to a requirement contract of diesel fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That Section 2 of Ordinance No. 2023-2000, passed December 18, 2000, is hereby amended to read as follows:

Section 2. That the cost of said contract shall not exceed \$1,350,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 17939).

**Section 2.** That existing Section 2 of Ordinance No. 2023-2000, passed December 18, 2000, 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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2035-01.**

**By Councilmen Polensek and Dolan.**

**An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to provide salaries and wages, and that health and life insurance benefits continue to all City employees who have been, or may in the future, be called to active military duty in connection with the recent terrorists acts that occurred in New York City and Washington, D.C.**

Whereas, City employees have been, or may soon be called to active military service pursuant to an order by the President of the United States in connection with recent terrorists acts that occurred in New York City and Washington, D.C.; and

Whereas, the City pays military leave with pay in accordance with the respective collective bargaining contracts and management compensation plans when an employee is called to active military duty at the direction of the President or Governor; and

Whereas, it is the belief of Council that a continuation of such payment will greatly assist the affected employees' and the beneficiaries; and

Whereas, the City is desirous of supporting and assisting those City employees and their families who

have been financially burdened by the employees' call to active military duty; and

Whereas, an emergency exists in that it is immediately necessary to provide such financial assistance to the affected employees and beneficiaries; now, therefore

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

**Section 1.** That the Director of Personnel and Human Resources is authorized and directed to provide salaries or wages to all City employees who have been, or may in the future, be called to active duty in accordance with federal law, collective bargaining contracts, or management compensation plans in connection with the recent terrorists acts that occurred in New York City and Washington, D.C., and who would otherwise be eligible for military leave with pay benefits.

**Section 2.** That the Director of Personnel and Human Resources is authorized and directed to continue health and life insurance benefits for any City employees, otherwise eligible for such benefits, who are now serving or may in the future serve as part of the active military forces of the United States military in connection with the recent terrorists acts that occurred in New York City and Washington, D.C., and that such benefits continue for the duration of such employees' active military service in connection with the recent terrorists acts that occurred in New York City and Washington, D.C., or for up to one (1) from the effective date of this ordinance, whichever is first.

**Section 3.** That the mandates and provisions of Section 1 and Section 2 of this ordinance shall expire on May 31, 2002.

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2082-01.**  
**By Councilmen Cintron and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of traffic signals, poles, controllers, sign blanks, reflective sheeting and other related materials, for the Division of Traffic Engineering and Parking, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic signals, poles, controllers, sign blanks, reflective sheeting and other related materials 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 Traffic Engineering and Parking, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall 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 108930)

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2083-01.**  
**By Councilmen Sweeney, Dolan, Cintron and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to Cuyahoga County for the cost of the rehabilitation of West 150th Street.**

Whereas, in Ordinance No. 2039-91, passed December 9, 1991, this Council gave consent to the County of Cuyahoga, for the rehabilitation of West 150th Street from Puritas Road to Lorain Avenue; and

Whereas, this Council authorized the City to cooperate with the County of Cuyahoga in the cost of the above-referenced improvement; and

Whereas, the City's share of the cost of said improvement is currently estimated to be \$396,600.00; and

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

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

**Section 1.** That this Council hereby authorizes payment to the County of Cuyahoga of the City's share of the rehabilitation of West 150th Street from Puritas Road to Lorain Avenue, from Fund Nos. 20 SF 334 and 20 SF 353, Request No. 107830.

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2085-01.**

**By Councilmen Gordon and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the STD Control Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$283,756.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the STD Control Program, for the purposes set forth in the narrative and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the narrative for said grant.

**Section 2.** That the narrative for said grant, File No. 2085-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2086-01.**

**By Councilmen Gordon and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to employ one or more professional nursing services to provide nursing services, for the Division of Correction, Department of Public Health.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to employ by contract one or more professional nursing services for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide nursing services for the Division of Correction, Department of Public Health.

The selection of said medical professionals for such services shall be made by the Board of Control upon the nomination of the Director of Public Health from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Health for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract here-

in authorized shall be prepared by the Director of Law, approved by the Director of Public Health, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund No. 01-500300-632000, Request No. 108759.

**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 December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 2087-01.**

**By Councilmen Polensek and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by contract of training and equipment necessary to respond to rail incidents involving hazardous materials, for the various divisions of the Department of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to make written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: training and equipment necessary to respond to rail incidents involving hazardous materials, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, for the various divisions of the Department of Public Safety.

**Section 2.** That the cost of said contract hereby authorized shall not exceed \$875,000.00 and shall be paid from Fund No. 10 SF 526, Request No. 103530.

**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 December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 2090-01.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Washington Group International, Inc. to provide financial assistance in the form of a grant in consideration for Washington Group International, Inc. retaining a minimum of three hundred employees at the project location over the grant term.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a grant agreement with Washington Group, Inc. to provide financial assistance in the form of a grant in consideration of the Washington Group, Inc. retaining a minimum of three hundred employees at the project location over the term of the grant.

**Section 2.** That the costs of said grant authorized above shall not exceed Four Hundred Fifty Thousand Dollars (\$450,000.00) over the grant term, and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103531.

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

**Section 4.** That the terms of the grant shall be in accordance with the terms as set forth in the Summary contained in File No. 2090-01-A. The agreement authorized by this legislation shall include the following terms:

1) That Washington Group, Inc. shall refund the grant monies if it fails to maintain its place of business in the City of Cleveland throughout the grant term;

2) That Washington Group, Inc. shall use its best efforts to employ African Americans in at least one-third of all new hires during the grant term.

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

Passed December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 2091-01.**

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

**An emergency ordinance to amend Section 1 of Ordinance No. 1819-01, passed October 8, 2001, relating to a Heritage Home Loan Program Agreement with the Cuyahoga County Treasurer and other related matters.**

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

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

**Section 1.** That Section 1 of Ordinance No. 1819-01, passed October 8, 2001, is hereby amended to read as follows:

Section 1. That the Director of Community Development is hereby authorized to execute a Participating Community Heritage Home Loan Program Agreement pursuant to the Ohio Revised Code, whereby the City, or its subcontractor, will perform program monitoring for Heritage Linked Deposit Loans

made to its residents. A Program Description is contained in File No. 2091-01-A.

**Section 2.** That existing Section 1 of Ordinance No. 1819-01, passed October 8, 2001, 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 December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 2143-01.**

**By Councilmen Lewis and Patmon (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of uniforms and associated equipment, for the Department of Finance, on behalf of the Cleveland Municipal Court, for a period of one year.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year, for the necessary items of uniforms and associated equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance, on behalf of the Cleveland Municipal Court. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** That the cost of said contract shall not exceed \$40,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 101108)

**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 December 10, 2001.  
Effective December 19, 2001.

**Ord. No. 2145-01.****By Councilman Patmon (by departmental request).****An emergency ordinance to make additional appropriations of One Million One Hundred Thousand Dollars (\$1,100,000) of the Internal Service Funds.**

Whereas, there remains an unappropriated balance in the various funds, the sum of One Million One Hundred Thousand Dollars (\$1,100,000) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources, that, provided the Director of Finance obtains an amended certificate that includes the following amounts:

INTERNAL SERVICE FUNDS	\$1,100,000	
INTERNAL SERVICE FUND		
ISS — Telecommunications		\$ 1,100,000
I Personnel and Related Expenses	\$ —	—
II Other Expenses	1,100,000	—
TOTAL INTERNAL SERVICE FUND	\$ 1,100,000	\$ 1,100,000

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2147-01.****By Councilman Patmon (by departmental request).****An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 2002 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2002.**

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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.** To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2002, until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2002, there be and there is hereby appropriated for the period from January 1, 2002, to the effective date of the Annual appropriation Four Hundred Fifty Two Million Six Hundred Ninety Eight Thousand Seven Hundred Sixty Four (\$452,698,764) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND		
Council and Clerk of Council		
I. Personnel and Related Expenses	936,126	
II. Other Expenses	698,784	
		1,634,910
JUDICIAL BRANCH		
Judicial Division		
I. Personnel and Related Expenses	4,471,714	
II. Other Expenses	848,145	
		5,319,859
Housing Division		
I. Personnel and Related Expenses	697,659	
II. Other Expenses	47,680	
		745,339
Clerks Division		
I. Personnel and Related Expenses	2,059,708	
II. Other Expenses	861,662	
		2,921,370
TOTAL JUDICIAL BRANCH		8,986,568



## EXECUTIVE BRANCH

## Office of the Mayor

I.	Personnel and Related Expenses	439,826	
II.	Other Expenses	83,742	
			523,568

## DEPARTMENT OF PUBLIC SAFETY

## Public Safety Administration

I.	Personnel and Related Expenses	1,107,213	
II.	Other Expenses	224,748	
			1,331,961

## Division of Police

I.	Personnel and Related Expenses	52,551,011	
II.	Other Expenses	4,235,323	
			56,786,334

## Division of Fire

I.	Personnel and Related Expenses	23,018,921	
II.	Other Expenses	1,255,323	
			24,274,244

## Emergency Medical Services

I.	Personnel and Related Expenses	5,143,376	
II.	Other Expenses	575,092	
			5,718,468

## Division of Dog Pound

I.	Personnel and Related Expenses	223,104	
II.	Other Expenses	42,456	
			<u>265,560</u>

## TOTAL PUBLIC SAFETY

88,376,567

## Community Relations Board

I.	Personnel and Related Expenses	275,185	
II.	Other Expenses	31,934	
			307,119

## DEPARTMENT OF PUBLIC SERVICE

## Public Service Administration

I.	Personnel and Related Expenses	120,751	
II.	Other Expenses	13,218	
			133,969

## Division of Architecture

I.	Personnel and Related Expenses	181,921	
II.	Other Expenses	18,073	
			199,994

## Waste Collection and Disposal

I.	Personnel and Related Expenses	5,889,152	
II.	Other Expenses	4,960,622	
			10,849,774

## Engineering and Construction

I.	Personnel and Related Expenses	1,531,652	
II.	Other Expenses	177,128	
			1,708,780

## Division of Traffic Engineering

I.	Personnel and Related Expenses	868,796	
II.	Other Expenses	305,984	
			<u>1,174,780</u>

## TOTAL PUBLIC SERVICE

14,067,297

## PARKS, RECREATION AND PROPERTIES

## Parks, Recreation and Properties Admin

I.	Personnel and Related Expenses	220,513	
II.	Other Expenses	79,906	
			300,419

Research, Planning and Development		
I.	Personnel and Related Expenses	235,045
II.	Other Expenses	34,845
		269,890
Division of Recreation		
I.	Personnel and Related Expenses	2,392,415
II.	Other Expenses	1,267,522
		3,659,937
Parking Facilities - On Street		
I.	Personnel and Related Expenses	246,926
II.	Other Expenses	22,205
		269,131
Division of Property Management		
I.	Personnel and Related Expenses	2,898,376
II.	Other Expenses	973,678
		3,872,054
Park Maintenance and Properties		
I.	Personnel and Related Expenses	3,020,224
II.	Other Expenses	1,618,495
		<u>4,638,719</u>
TOTAL PARKS AND RECREATION		13,010,150
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		
I.	Personnel and Related Expenses	570,165
II.	Other Expenses	93,114
		663,279
Division of Building and Housing		
I.	Personnel and Related Expenses	3,599,085
II.	Other Expenses	142,681
		3,741,766
Director's Office		
I.	Personnel and Related Expenses	136,116
II.	Other Expenses	0
		136,116
Division of Neighborhood Development		
I.	Personnel and Related Expenses	550,597
II.	Other Expenses	80,000
		630,597
Division of Neighborhood Services		
I.	Personnel and Related Expenses	454,510
II.	Other Expenses	0
		<u>454,510</u>
TOTAL COMMUNITY DEVELOPMENT		5,626,268
Landmarks Commission		
I.	Personnel and Related Expenses	37,282
II.	Other Expenses	4,929
		42,211
Board of Building Standards & Appeals		
I.	Personnel and Related Expenses	23,238
II.	Other Expenses	5,978
		29,216
Board of Zoning Appeals		
I.	Personnel and Related Expenses	63,821
II.	Other Expenses	6,664
		70,485
Board of Examiners of Plumbers & Elect.		
I.	Personnel and Related Expenses	28,955
II.	Other Expenses	1,604
		30,559

Fair Campaign Finance Commission		
II.	Other Expenses	9,852
		9,852
Economic Development		
I.	Personnel and Related Expenses	314,850
II.	Other Expenses	22,712
		337,562
Office of Equal Opportunity		
I.	Personnel and Related Expenses	155,418
II.	Other Expenses	17,636
		173,054
Office of Consumer Affairs		
I.	Personnel and Related Expenses	53,182
II.	Other Expenses	24,000
		77,182
City Planning Commission		
I.	Personnel and Related Expenses	373,455
II.	Other Expenses	34,716
		408,171
Division of Harbors		
I.	Personnel and Related Expenses	14,969
II.	Other Expenses	0
		14,969
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		
I.	Personnel and Related Expenses	225,653
II.	Other Expenses	37,076
		262,729
Division of Corrections		
I.	Personnel and Related Expenses	1,532,909
II.	Other Expenses	472,159
		2,005,068
Division of Health		
I.	Personnel and Related Expenses	729,411
II.	Other Expenses	556,899
		1,286,310
Division of the Environment		
I.	Personnel and Related Expenses	485,769
II.	Other Expenses	154,100
		<u>639,869</u>
TOTAL PUBLIC HEALTH		
		4,193,976
Department of Aging		
I.	Personnel and Related Expenses	70,568
II.	Other Expenses	41,933
		112,501
DEPARTMENT OF FINANCE		
Finance Administration		
I.	Personnel and Related Expenses	128,628
II.	Other Expenses	23,633
		152,261
Division of Accounts		
I.	Personnel and Related Expenses	295,204
II.	Other Expenses	365,729
		660,933
Division of Assessments & Licenses		
I.	Personnel and Related Expenses	305,245
II.	Other Expenses	74,657
		379,902

Division of Treasury		
I.	Personnel and Related Expenses	147,655
II.	Other Expenses	28,238
		175,893
Division of Purchases and Supplies		
I.	Personnel and Related Expenses	163,828
II.	Other Expenses	40,017
		203,845
Bureau of Internal Audit		
I.	Personnel and Related Expenses	258,213
II.	Other Expenses	154,126
		412,339
Financial Reporting & Control		
I.	Personnel and Related Expenses	365,406
II.	Other Expenses	576,835
		<u>942,241</u>
TOTAL FINANCE		2,927,414
Office of Budget & Management		
I.	Personnel and Related Expenses	214,966
II.	Other Expenses	15,005
		229,971
Law		
I.	Personnel and Related Expenses	1,641,567
II.	Other Expenses	1,805,425
		3,446,992
Office of Personnel		
I.	Personnel and Related Expenses	355,184
II.	Other Expenses	237,591
		592,775
Civil Service Commission		
I.	Personnel and Related Expenses	196,358
II.	Other Expenses	280,059
		476,417
Other Administrative		
II.	Other Expenses	5,800,000
		5,800,000
TRANSFERS TO OTHER FUNDS		
Transfers to Other Funds		
II.	Other Expenses	14,783,915
		<u>14,783,915</u>
TOTAL NONDEPARTMENTAL		<u>20,583,915</u>
TOTAL GENERAL FUND		166,289,669
SPECIAL REVENUE FUND		
Restricted Income Tax		
I.	Capital	20,174,000
II.	Debt Service	14,250,000
		34,424,000
Street Construction, Maintenance & Repair		
I.	Personnel and Related Expenses	5,348,135
II.	Other Expenses	8,141,164
		13,489,299
Schools Recreation & Cultural Activities		
II.	Other Expenses	2,000,000
		<u>2,000,000</u>
TOTAL SPECIAL REVENUE		49,913,299

## INTERNAL SERVICE FUND

ISS - Telecommunications		
I.	Personnel and Related Expenses	128,714
II.	Other Expenses	2,073,417
		2,202,131
Information Systems Services		
I.	Personnel and Related Expenses	420,144
II.	Other Expenses	339,939
		760,083
Motor Vehicle Maintenance		
I.	Personnel and Related Expenses	1,702,425
II.	Other Expenses	6,015,554
		7,717,979
Printing and Reproduction		
I.	Personnel and Related Expenses	213,588
II.	Other Expenses	259,961
		473,549
City Storeroom		
I.	Personnel and Related Expenses	18,912
II.	Other Expenses	229,322
		<u>248,234</u>
TOTAL INTERNAL SERVICE		11,401,976

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		
I.	Personnel and Related Expenses	275,108
II.	Other Expenses	109,146
		384,254
Radio		
I.	Personnel and Related Expenses	12,769
II.	Other Expenses	774,440
		787,209
Division of Fiscal Control		
I.	Personnel and Related Expenses	578,741
II.	Other Expenses	68,787
		647,528
Division of Water		
I.	Personnel and Related Expenses	21,579,150
II.	Other Expenses	77,506,591
		99,085,741
Division of Water Pollution Control		
I.	Personnel and Related Expenses	2,547,569
II.	Other Expenses	5,982,035
		8,529,604
Division of Cleveland Public Power		
I.	Personnel and Related Expenses	7,723,916
II.	Other Expenses	47,360,080
		<u>55,083,996</u>
TOTAL PUBLIC UTILITIES		164,518,332

## DEPARTMENT OF PORT CONTROL

Airports - Operations		
I.	Personnel and Related Expenses	6,458,240
II.	Other Expenses	36,389,182
		42,847,422
Airport Development Fund		
I.	Personnel and Related Expenses	0
II.	Other Expenses	15,000
		15,000

## DEPARTMENT OF PARKS, RECREATION &amp; PROPERTIES

Division of Cemeteries		
I.	Personnel and Related Expenses	531,344
II.	Other Expenses	221,891
		753,235
Golf Courses Fund		
I.	Personnel and Related Expenses	350,905
II.	Other Expenses	417,188
		768,093
Parking Facilities - Off Street		
I.	Personnel and Related Expenses	283,499
II.	Other Expenses	2,910,874
		3,194,373
Convention Center		
I.	Personnel and Related Expenses	717,521
II.	Other Expenses	1,429,371
		2,146,892
West Side Market		
I.	Personnel and Related Expenses	138,881
II.	Other Expenses	295,616
		434,497
Property Management - East Side Market		
I.	Personnel and Related Expenses	19,503
II.	Other Expenses	15,916
		<u>35,419</u>
TOTAL ENTERPRISE		214,713,263

## AGENCY FUND

Central Collection Agency		
I.	Personnel and Related Expenses	1,312,417
II.	Other Expenses	1,189,140
		2,501,557

## DEBT SERVICE FUNDS

Sinking Fund Commission		
I.	Personnel and Related Expenses	29,000
II.	Other Expenses	50,000
III.	Debt Service	7,800,000
		<u>7,879,000</u>
TOTAL ALL FUNDS		452,698,764

**Section 2.** That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2002, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2002.

**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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2148-01.**

**By Councilman Patmon (by departmental request).**

**An emergency ordinance to provide the transfer of the sum of Eight Million Five Hundred Ninety-Eight Thousand Four Hundred Fifty-Eight Dollars (\$8,598,457) within various divisions of the General Fund, Four Hundred Sixty-Six Thousand Four Hundred Seventy-Seven Dollars (\$466,477) within the Special Revenue Fund, Eighty-Five Thousand Dollars (\$85,000) within the Internal Service Fund, Four Million Five Hundred Seventy-Five Thousand Three Hundred Thirty-Two Dollars (\$4,575,332) within the Enterprise Fund.**

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 sum of Thirteen Million Seven Hundred Twenty Five Thousand Two Hundred Sixty Six (\$13,725,266) be same and hereby transferred as follows:

	FROM	TO
GENERAL FUND		
COUNCIL AND CLERK OF COUNCIL		
I Personnel and Related Expenses	\$ —	\$ 16,923
II Other Expenses	—	—
MUNICIPAL COURT		
Judicial Division		
I Personnel and Related Expenses	\$ —	\$ 188,996
Housing Division		
I Personnel and Related Expenses	\$ 188,996	
II Other Expenses	—	25,000
Clerks Division		
I Personnel and Related Expenses	\$ 225,000	\$ —
II Other Expenses	—	200,000
TOTAL MUNICIPAL COURT	\$ 413,996	\$ 413,996
Office of the Mayor		
I Personnel and Related Expenses	\$ 258,725	\$ —
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
I Personnel and Related Expenses	\$ 415,000	\$ —
Division of Police		
I Personnel and Related Expenses	\$ —	\$ 2,139,219
II Other Expenses	296,645	—
Division of Fire		
I Personnel and Related Expenses	\$ —	\$ 2,143,541
II Other Expenses	243,363	—
Emergency Medical Services		
I Personnel and Related Expenses	\$ —	\$ 901,893
II Other Expenses	—	135,000
Division of Traffic Engineering		
I Personnel and Related Expenses	\$ 28,628	\$ —
II Other Expenses	—	35,000
Division of Dog Pound		
I Personnel and Related Expenses	\$ 66,463	\$ —
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 1,050,099	\$ 5,354,653
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		
I Personnel and Related Expenses	\$ 49,347	\$ —
II Other Expenses	—	4,749
Division of Architecture		
I Personnel and Related Expenses	\$ —	\$ 41,228
Waste Collection and Disposal		
I Personnel and Related Expenses	\$ —	\$ 753,326
II Other Expenses	840,777	—
Engineering and Construction		
I Personnel and Related Expenses	\$ 31,800	\$ —
II Other Expenses	42,661	—
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$ 964,585	\$ 799,303

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation and Properties Admin		
I Personnel and Related Expenses	\$ 74,210	\$ —
II Other Expenses	—	34,997
Research, Planning and Development		
I Personnel and Related Expenses	\$ 49,686	\$ —
II Other Expenses	—	5,000
Division of Recreation		
I Personnel and Related Expenses	\$ 1,149,405	\$ —
II Other Expenses	484,957	—
Parking Facilities —On Street		
I Personnel and Related Expenses	\$ 50,000	\$ —
Division of Property Management		
I Personnel and Related Expenses	\$ —	\$ 134,894
II Other Expenses	69,981	—
Park Maintenance and Properties		
I Personnel and Related Expenses	\$ —	\$ 332,129
II Other Expenses	—	137,843
<b>TOTAL PARKS, RECREATION, AND PROPERTIES</b>	<b>\$ 1,878,239</b>	<b>\$ 644,863</b>
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		
I Personnel and Related Expenses	\$ 468,276	\$ —
II Other Expenses	157,320	—
Division of Building and Housing		
I Personnel and Related Expenses	\$ 152,929	\$ —
II Other Expenses	—	35,442
Director's Office		
I Personnel and Related Expenses	\$ 7,595	\$ —
Division of Neighborhood Development		
I Personnel and Related Expenses	\$ —	\$ 112,705
II Other Expenses	—	15,044
Division of Neighborhood Services		
I Personnel and Related Expenses	\$ —	\$ 13,730
<b>TOTAL COMMUNITY DEVELOPMENT</b>	<b>\$ 786,120</b>	<b>\$ 176,921</b>
Board of Building Standards & Appeals		
I Personnel and Related Expenses	\$ 10,000	\$ —
II Other Expenses	9,000	—
Board of Zoning Appeals		
I Personnel and Related Expenses	\$ 10,000	\$ —
II Other Expenses	10,000	—
Board of Examiners of Plumbers & Elect.		
I Personnel and Related Expenses	\$ 55,533	\$ —
Economic Development		
I Personnel and Related Expenses	\$ 73,768	\$ —
II Other Expenses	—	3,264
Office of Equal Opportunity		
I Personnel and Related Expenses	\$ 13,196	\$ —
City Planning Commission		
I Personnel and Related Expenses	\$ 51,239	\$ —
II Other Expenses	—	16,769



## DEPARTMENT OF PUBLIC HEALTH

Health Administration		
I Personnel and Related Expenses	\$ 51,576	\$ —
Division of Corrections		
I Personnel and Related Expenses	\$ 75,488	\$ —
II Other Expenses	—	30,000
Division of Health		
I Personnel and Related Expenses	\$ 230,486	\$ —
II Other Expenses	100,000	—
Division of the Environment		
I Personnel and Related Expenses	\$ 808,404	\$ —
II Other Expenses	—	25,000
<b>TOTAL PUBLIC HEALTH</b>	<b>\$ 1,265,954</b>	<b>\$ 55,000</b>

## DEPARTMENT OF AGING

I Personnel and Related Expenses	\$ 94,987	\$ —
II Other Expenses	45,956	—

## DEPARTMENT OF FINANCE

Finance Administration		
I Personnel and Related Expenses	\$ 63,680	\$ —
II Other Expenses	—	2,000
Division of Accounts		
I Personnel and Related Expenses	\$ 16,773	\$ —
II Other Expenses	337,476	—
Division of Assessments & Licenses		
I Personnel and Related Expenses	\$ —	\$ 42,568
II Other Expenses	14,854	—
Division of Treasury		
I Personnel and Related Expenses	\$ —	\$ 23,329
II Other Expenses	—	9,962
Division of Purchases and Supplies		
I Personnel and Related Expenses	\$ 107,866	\$ —
II Other Expenses	29,553	—
Bureau of Internal Audit		
I Personnel and Related Expenses	\$ 6,961	\$ —
II Other Expenses	—	2,000
Financial Reporting & Control		
I Personnel and Related Expenses	\$ 45,000	\$ —
II Other Expenses	71,000	—
<b>TOTAL FINANCE</b>	<b>\$ 693,163</b>	<b>\$ 79,859</b>
Office of Budget & Management		
I Personnel and Related Expenses	\$ —	\$ 13,608
II Other Expenses	—	7,065
Law		
I Personnel and Related Expenses	\$ —	\$ 401,233
II Other Expenses	—	500,000
Office of Personnel		
I Personnel and Related Expenses	\$ 53,774	\$ —
II Other Expenses	135,662	—
Civil Service Commission		
I Personnel and Related Expenses	\$ 17,461	\$ —
II Other Expenses	—	15,000

DEPARTMENT OF CONSUMER AFFAIRS				
I Personnel and Related Expenses	\$	—	\$	40,000
II Other Expenses		—		60,000
Transfers to Other Funds				
II Other Expenses	\$	707,000	\$	—
TOTAL GENERAL FUND	\$	8,598,457	\$	8,598,457
SPECIAL REVENUE FUND				
Street Construction, Maintenance & Repair				
I Personnel and Related Expenses	\$	—	\$	466,477
II Other Expenses		466,477		—
TOTAL SPECIAL REVENUE FUND	\$	466,477	\$	466,477
INTERNAL SERVICE FUND				
ISS — Telecommunications				
I Personnel and Related Expenses	\$	50,000	\$	—
II Other Expenses		—		50,000
Information Systems Services				
I Personnel and Related Expenses	\$	—	\$	35,000
II Other Expenses		35,000		—
TOTAL INTERNAL SERVICE FUND	\$	85,000	\$	85,000
ENTERPRISE FUNDS				
DEPARTMENT OF PUBLIC UTILITIES				
Utilities Administration				
I Personnel and Related Expenses	\$	10,000	\$	—
II Other Expenses		—		10,000
Radio				
I Personnel and Related Expenses	\$	—	\$	3,368
II Other Expenses		3,368		—
Division of Water				
I Personnel and Related Expenses	\$	—	\$	4,261,964
II Other Expenses		4,261,964		—
TOTAL PUBLIC UTILITIES	\$	4,275,332	\$	4,275,332
DEPARTMENT OF PORT CONTROL				
Airports — Operations				
I Personnel and Related Expenses	\$	—	\$	300,000
II Other Expenses		300,000		—
TOTAL ENTERPRISE FUND	\$	4,575,332	\$	4,575,332
TOTAL ALL FUNDS	\$	13,725,266	\$	13,725,266

**Section 2.** That the Special Revenue Fund, Division of Street Construction, Maintenance & Repair Fund is hereby reduced to reflect the transfer authorized by Section 1 of this Ordinance:

Street Construction, Maintenance & Repair				
II Other Expenses	\$	250,000	\$	—
TOTAL SPECIAL REVENUE FUND	\$	250,000	\$	—

**Section 3.** That the Debt Service Fund, Sinking Fund Commission is hereby reduced to reflect the transfer authorized by Section 1 of this Ordinance:

Sinking Fund Commission				
I Personnel and Related Expenses	\$	7,000	\$	—
TOTAL DEBT SERVICE FUND	\$	7,000	\$	—

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2373-01.**  
**By Councilmen Jackson, Cimperman and Patmon (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Highland Hills to the Mt. Zion Fellowship of the Brethren Church.**

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located at 4265 Northfield Road, in the Village of Highland Hills; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

4.8038 ACRE PARCEL/  
 VILLAGE OF HIGHLAND HILLS  
 Situated in the Village of Highland Hills, County of Cuyahoga and State of Ohio and known as being part of Original Warrensville Township Lot No. 76 and being more fully bounded and described as follows:

Beginning at the intersection of the Northeasterly curved line of Northfield Road, 100 feet wide, with the Northerly corporation line of the City of Warrensville Heights said line also being the Southerly line of said Lot No. 76;

Thence Northwesterly, along the said Northeasterly curved line of Northfield Road deflecting to the left an arc distance of 62.10 feet, said curve having a radius of 1482.39 feet, a delta of 2°-24'-01" and a chord that bears North 43°-27'-34"

West, 62.10 feet to a point of tangency;

Thence North 44°-39'-35" West, continuing along the Northeasterly line of said Northfield Road, a distance of 629.62 feet to the Southwest corner of land conveyed to Brethren Fellowship of the Savior, Inc. by deed dated December 7, 1989 and recorded in Volume 89-6822, Page 29 of Cuyahoga County Deed Records;

Thence North 89°-55'-20" East, along the Southerly line of said land conveyed to Brethren Fellowship of the Savior, Inc. a distance 751.24 feet to the Southeast corner of said land conveyed to Brethren Fellowship of the Savior, Inc.;

Thence North 00°-04'-40" West along the Easterly line of said land conveyed to Brethren Fellowship of the Savior, Inc., a distance of 453.47 feet to the Northeasterly corner of said land conveyed to Brethren Fellowship of the Savior, Inc. and the Principal Place of Beginning of the parcel of land herein described;

Course No. 1: Thence North 00°-04'-40" West, along the Northerly prolongation of the Easterly line of said land conveyed to Brethren Fellowship of the Savior, Inc., a distance of 750.57 feet to the Southerly line of the Cleveland Enterprise Park Subdivision Phase I as recorded in Volume 287 of Maps, Pages 1 and 2 of Cuyahoga County Records;

Course No. 2: Thence North 90°-00'-00" West along the Southerly line of said Cleveland Enterprise Park Subdivision Phase 1, a distance of 169.92 feet to an angle point therein;

Course No. 3: Thence South 83°-00'-09" West along a Southeasterly line of said Cleveland Enterprise Park Subdivision Phase 1, a distance of 103.03 feet to an angle point therein;

Course No. 4: Thence South 63°-14'-36" West, along a Southeasterly line of said Cleveland Enterprise Park Subdivision Phase 1, a distance of 8.75 feet to a point therein;

Course No. 5: Thence South 00°-04'-40" East, along the Easterly line

of said land conveyed to Brethren Fellowship of the Savior, Inc., a distance of 734.46 feet to a point in the Northerly line of said land conveyed to Brethren Fellowship of the Savior, Inc.;

Course No. 6: Thence North 89°-55'-20" East, along the Northerly line of said land conveyed to Brethren Fellowship of the Savior, Inc., a distance of 279.44 feet to the place of beginning and containing 4.8038 acres of land, be the same more or less, but subject to all legal highways and easements.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above described property to the Mt. Zion Fellowship of the Brethren Church at a price not less than fair market value as determined by the Board of Control, taking into account such restrictive covenants and reversionary interests as are needed necessary or appropriate.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2418-01.**  
**By Councilman Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Forest City Commercial Group to hang approximately 24-Temporary Location Identification Signs on CPP utility poles and City Traffic Engineering poles (by separate permissions) which will encroach into the R/W of numerous streets around the Tower City perimeter for the period of Dec. 10, 2001 to Jan. 10, 2002, inclusive.**

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 Public Service is hereby authorized and directed to issue a permit to Forest City Commercial Group, (Commercial Development), Terminal Tower, 50 Public Square, Suite 1010, Cleveland, Ohio 44113-2267, to hang, maintain and remove approximately twenty-four (24) Temporary Location Identification Signs on Cleveland Public Power utility poles and Traffic Engineering poles, (by separate permissions) for the period of December 10, 2001 to January 10, 2002, inclusive, and which Signs will be hung at the following locations:

**POLE LOCATION / & POLE OWNER:**

- 1) Not used at this time
- 2) Not used at this time
- 3) N.E. Corner/Chester & E. 13th St.
- 4) S.E. Corner/E. 13th St. & Payne
- 5) N.E. Corner/Superior & Public Square
- 6) N.W. Corner/Superior & Public Square
- 7) S.W. Corner/Superior & Prospect
- 8) S.W. Corner/Superior & W. 6th St.
- 9) S.of Prospect across fr. Exit Ramp I-90-W
- 10) N.E. Corner/Carnegie & Ontario
- 11) S.E. Corner/Ontario & Carnegie

**POLE #:**

- CPP/B-21-1  
 CPP/No Tag  
 Traffic/No Tag  
 CPP/B-15-2  
 Traffic/No Tag  
 CPP/B-13-30  
 Traffic/No Tag  
 CPP/No Tag  
 CPP/No Tag

12) N.E. Corner/Ontario & Eagle	CPP/No Tag
13) S.W. of W. 3rd St. on Superior	Traffic/No Tag
14) S.W. Corner/Superior & Huron	CPP/No Tag
15) N.W. Corner/W. 3rd St. & St. Clair	CPP/No Tag
16) N.E. Corner/I-77-N Exit & Ontario	CPP/No Tag
17) N.W. Corner/Lakeside Ave. & W. 6th St.	CPP/B-21-22
18) S.W. Corner/W. 3rd St. & Lakeside Ave.	CPP/No Tag
19) N.E. Corner/Prospect & Ontario	CPP/No Tag
20) N.E. Corner/Prospect & Huron	CPP/No Tag
21) N.W. Corner/Prospect & E. 9th St.	Traffic/No Tag
22) N.W. Corner of E. 9th St. & Lakeside Ave.	CPP/No Tag
23) N.W. Corner/E. 9th St. & St. Clair	CPP/B-12-85
24) N.W. Corner/W. 6th St. & Huron	CPP/B-13-33

and which Temporary Location Identification Signs shall be approved by the Directors of City Planning, Public Service and 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. It is the responsibility of the applicant to obtain the permission of the owner of any pole from which a sign will be hung, and said permission must be obtained prior to issuance of this permit. No commercial advertising shall be printed or permitted on said signs, and said on said signs, and said signs 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.

Passed December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2419-01.**  
By Councilmen Cintron, Gordon and Westbrook.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Merrick House for Clark Fulton Consolidation Project through the use of Ward 14, 15, and 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 the Director of Economic Development is authorized to enter into an agreement with Merrick House for Clark Fulton Consolidation Project for the public purpose of preserving and creating employment opportunities for Cleveland residents, through the use of Ward 14, 15, and 18 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$45,000 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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2420-01.**  
By Councilman Johnson.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation for housing rehabilitation program through the use of Ward 4 Neighborhood Equity Funds.

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Buckeye Area Development Corporation for housing rehabilitation program for the public purpose of maintaining the housing stock in Cleveland neighborhoods through the use of Ward 4 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$61,000 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 December 10, 2001.

Effective December 19, 2001.

**Ord. No. 2421-01.**  
By Councilman Patmon.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with 1377 Corporation in order to carry out the public purpose of rehabilitation of housing and furthering the community plan for the East Blvd. neighborhood by the conversion of six cooperative housing units to condominiums through the use of Ward 8 Neighborhood Equity Funds.

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with 1377 Corporation in order to carry out the public purpose of rehabilitation of housing and furthering the community plan for the East Blvd. neighborhood by the conversion of six cooperative housing units to condominiums through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$16,000 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 December 10, 2001.

Effective December 19, 2001, without signature of the Mayor.

**Ord. No. 2422-01.**

**By Councilman Patmon.**

**An emergency ordinance to amend Section 2 of Ordinance No. 1554-01, passed August 15, 2001 regarding Glenville Development Corporation and Reddlo Development through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1554-01, passed August 15, 2001, is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$100,000 and shall be paid from Fund No. 10 SF 166.

**Section 2.** Section 2 of Ordinance No. 1554-01, passed August 15, 2001, 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 December 10, 2001.

Effective December 19, 2001, without signature of the Mayor.

**Ord. No. 2423-01.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Chico-Zewalk Mels Cleaners for land acquisition for physical expansion of its business operations through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Chico-Zewalk Mels Cleaners for land acquisition for physical expansion of its operations, for the public purpose of creating new employment opportunities for Cleveland residents.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$3,000 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 December 10, 2001.

Effective December 19, 2001, without signature of the Mayor.

**Ord. No. 2424-01.**

**By Councilman Patmon (by departmental request).**

**An emergency ordinance to amend Sections 11, 32 and 43 of Ordinance No. 1562-2000, passed August 15, 2001, 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 the following sections of the Codified Ordinances, of Cleveland, Ohio, 1976,

Section 11 of Ordinance No. 1562-2000, passed August 15, 2001

Section 32 of Ordinance No. 1562-2000, passed August 15, 2001, as amended by Ordinance No. 2079-01, passed December 3, 2001, and

Section 43 of Ordinance No. 1562-2000, passed August 15, 2001, as amended by Ordinance No. 1880-01, passed October 8, 2001

are hereby amended to read as follows:

Section 11. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Assistant Superintendent of Distribution.....	30,723.50	39,414.51
2. Chief Meter Reader.....	27,579.92	35,473.47
3. Chief Radio Dispatcher - Water.....	31,449.44	40,350.39
4. Data Conversion Supervisor.....	24,792.28	31,978.71
5. Engineer of Hydraulic Surveys.....	38,676.56	49,917.04
6. Meter Reader Supervisor.....	30,091.59	39,553.39
7. Sewer Construction Unit Leader.....	32,599.61	41,766.53
8. Sewer Maintenance Unit Leader.....	29,299.95	36,154.18
9. Sewer Maintenance Unit Leader Operator.....	29,464.12	39,478.40
10. Supervisor of Radio Service.....	31,470.04	42,664.66
11. Unit Supervisor.....	27,640.11	39,977.11
12. Water Hydraulic Unit Leader.....	29,299.97	38,161.92
13. Water Hydraulic Supervisor.....	33,204.16	43,063.64
14. Water Meter Department Unit Leader.....	29,299.95	38,161.92
15. Water Meter Department Supervisor.....	33,204.16	43,063.64
16. Water Pipe Repair Unit Leader.....	29,299.97	39,093.02
17. Water Pipe Repair Supervisor.....	33,209.89	43,994.74

Section 32. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Air Pollution Control, Engineer IV.....	20,231.40	50,626.16
2. Airport Safety Shift Commander.....	20,231.40	50,626.16
3. Assistant Administrator.....	20,231.40	52,398.08
4. Assistant Health Center Director.....	20,231.40	50,626.16
5. Assistant Manager of Marketing.....	20,231.40	50,626.16

6.	Central Payroll Supervisor.....	20,231.40	50,626.16
7.	Chief Building Inspector.....	20,231.40	53,560.00
8.	Chief Electrical Inspector.....	20,231.40	50,626.16
9.	Chief Elevator Inspector.....	20,231.40	50,626.16
10.	Chief Environmental Health-Engineering.....	20,231.40	50,626.16
11.	Chief Heating Inspector.....	20,231.40	51,568.92
12.	Chief Housing Inspector.....	20,231.40	52,398.08
13.	Chief Plumbing Inspector.....	20,231.40	50,626.16
14.	Chief Rehabilitation Supervisor.....	20,231.40	52,398.08
15.	Contract Supervisor - Division of Purchases and Supplies.....	20,231.40	50,626.16
16.	Data Processing Supervisor.....	20,231.40	50,626.16
17.	Human Resources Contract Administrator.....	20,231.40	67,572.45
18.	Manager of Public Utilities Building Maintenance.....	20,231.40	62,374.56
19.	Senior Systems Analyst.....	20,231.40	52,398.08
20.	Shift Supervisor Operations.....	20,231.40	50,626.16
21.	Superintendent of Distribution.....	20,231.40	50,626.16
22.	Superintendent of Pumping.....	20,231.40	50,626.16
23.	Superintendent of Purification.....	20,231.40	50,626.16
24.	Supervising Tax Auditor.....	20,231.40	50,626.16
25.	Supervisor of Civil Service Records.....	20,231.40	50,626.16

## Section 43. Hourly Rate — Crafts

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	<b>Effective Date</b>	<b>Minimum</b>	<b>Maximum</b>	
1.	Asbestos Worker.....	5-1-01	\$30.18	\$37.73
2.	Asphalt Construction Foreman.....	5-1-01	20.70	31.05
3.	Asphalt Raker.....	5-1-01	19.85	29.78
4.	Asphalt Tamper.....	5-1-01	19.85	29.78
5.	Boiler Maker.....	1-1-01	30.56	38.20
		7-1-01	31.68	39.60
6.	Bricklayer.....	5-1-01	26.32	32.90
7.	Bricklayer Foreman.....	5-1-01	27.57	33.90
8.	Bricklayer Helper.....	5-1-01	20.39	30.58
9.	Carpenter.....	5-1-01	26.05	32.56
10.	Carpenter Foreman.....	5-1-01	27.30	33.81
11.	Carpenter Apprentice.....	5-1-01	8.20	16.43
12.	Cement Finisher.....	5-1-01	26.46	33.08
13.	Cement Finisher Foreman.....	5-1-01	27.71	34.08
14.	Construction Equipment Operator - Group A.....	5-1-01	27.42	31.03
15.	Construction Equipment Operator - Group B.....	5-1-01	27.27	30.88
16.	Construction Equipment Operator - Group C.....	5-1-01	26.22	29.83
17.	Construction Equipment Operator - Group D.....	5-1-01	25.44	29.05
18.	Construction Equipment Operator - Group E.....	5-1-01	25.12	28.73
19.	Construction Equipment Operator - Oiler - Group F.....	5-1-01	18.54	22.15
20.	Curb Cutter.....	5-1-01	20.29	30.44
21.	Electrical Worker.....	5-1-01	30.96	38.70
22.	Electrical Worker Foreman.....	5-1-01	32.21	39.70
23.	Glazier.....	5-1-01	26.08	32.60
24.	Ironworker.....	1-1-02	30.45	38.06
25.	Ironworker Foreman.....	1-1-02	31.70	39.06
26.	Jackhammer Operator.....	5-1-01	19.85	29.78
27.	Master Mechanic.....	5-1-01	27.92	31.53
28.	Overhead Floodlight Maintenance Man.....	5-1-01	21.19	26.49
29.	Painter.....	6-1-01	25.54	31.93
30.	Painter - Apprentice.....	5-1-01	8.20	14.89
31.	Painter Foreman.....	6-1-01	26.79	32.93
32.	Paver.....	5-1-01	20.13	30.19
33.	Paving Foreman.....	5-1-01	20.70	31.05
34.	Pipefitter (Welder).....	5-1-01	31.42	39.28
35.	Pipefitter Foreman.....	5-1-01	32.67	40.28
36.	Plasterer.....	5-1-01	26.14	32.67
37.	Plasterer Foreman.....	5-1-00	26.52	32.84
38.	Plumber (Welder).....	5-1-01	31.10	38.87
39.	Plumber Foreman.....	5-1-01	32.35	39.87

40.	Roofer.....	5-1-01	26.70	33.37
41.	Sheet Metal Worker.....	5-1-01	29.62	37.02
42.	Sheet Metal Worker Foreman.....	5-1-01	30.87	38.02
43.	Superintendent of Construction Equipment.....	5-1-01	20.70	31.05

**Section 2.** That the following sections of the Codified Ordinances, of Cleveland, Ohio, 1976, Section 11 of Ordinance No. 1562-2000, passed August 15, 2001  
 Section 32 of Ordinance No. 1562-2000, passed August 15, 2001, as amended by Ordinance No. 2079-01, passed December 3, 2001, and  
 Section 43 of Ordinance No. 1562-2000, passed August 15, 2001, as amended by Ordinance No. 1880-01, passed October 8, 2001  
 are hereby repealed.

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

Passed December 10, 2001.  
 Effective December 19, 2001.

**Ord. No. 2425-01.**  
**By Councilman Patmon (by departmental request).**  
**An emergency ordinance approving the collective bargaining agreement with International Brotherhood of Operating Engineers, Local 10.**  
 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 hereby approves the collective bargaining agreement with the Inter-

national Brotherhood of Operating Engineers, Local 10, 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:

Increase	Effective Date of Increase
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 this ordinance is hereby declared to be an emergency

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

Passed December 10, 2001.  
 Awaiting the approval or disapproval of the Mayor.

**COUNCIL COMMITTEE MEETINGS**

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NO MEETINGS

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