

The City Record

Official Publication of the City of Cleveland

October the Seventeenth, Two Thousand and One

Mayor	
Michael R. White	
President of Council	
Michael D. Polensek	
Clerk of Council	
Ruby F. Moss	
Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	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	5832 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

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

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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 Fritzgerald, 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
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 Water Pollution Control - Darnell Brown, Commissioner
 Utilities Fiscal Control - Morry Blech, Commissioner
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 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

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 1925 St. Clair Avenue
 Environment - Michael Konicek, Commissioner, Mural Building,
 1925 St. Clair Avenue
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 Corrections, 4041 Northfield Road

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 1300 Ontario Street
 Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
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 1708 South Pointe Drive

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 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

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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.

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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
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 Vice-Chairman; Councilman Dona Brady, Councilman Joe Cimperman,
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 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.

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 Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small,
 Councilman Joseph Cimperman.

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 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 Ann Marie Feighan	12B
Judge Sean C. Gallagher	12C
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kibane	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, Linda M. DeLillo-Court Administrator,
 Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer,
 Michelle L. Paris-Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 88

WEDNESDAY, OCTOBER 17, 2001

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CITY COUNCIL

MONDAY, OCTOBER 15, 2001

The City Record

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RUBY F. MOSS

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

Cleveland, Ohio

Monday, October 15, 2001.

The meeting of the Council was called to order, The President, Michael D. Polensek, in the Chair.

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Lewis, O'Malley, Patmon, Reed, Rybka, Sweeney, Westbrook, White and Willis.

Also present were Mayor White and Acting Chief of Staff Carter and Directors Carr, Clark, Sheperd, Whitlow, Miller, Hudecek, Patterson, Warren, Alexander, McCall, Ambroz and Acting Directors D. Brown, DeVaul and R. Brown.

Pursuant to Ordinance No. 2976-76, the Council Meeting was opened with a prayer offered by Rev. Robin Miller, Pastor of Lee Heights Community Church, located at 4612 Lee Road, located in Ward 1. Pledge of Allegiance.

MOTION

On the motion of Council Member Sweeney, the reading of the minutes of the last meeting were dispensed with and the journal approved. Seconded by Council Member Britt.

COMMUNICATIONS

File No. 1888-01.

From the Department of Law — re: Contract with Camp, Dresser and McKee — professional services — National Pollutant Discharge Elimination System — permit — Cleveland Hopkins International Airport. Received.

File No. 1889-01.

From the Department of Law — re: Contract with Science Applications International Corporation — professional services — hazard materials — Cleveland Hopkins International Airport. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1890-01.

Re: New Application — 1821880 — Denise Crisp-Wright, d.b.a. Wrights G.P. Deli, 3879 East 93rd Street. (Ward 2). Received.

File No. 1891-01.

Re: Transfer of Ownership Application — 92654980005 — Vicary Co., Inc., d.b.a. Powerhouse Pub, 2000 Sycamore St. #190. (Ward 13). Received.

File No. 1892-01.

Re: Transfer of Ownership Application — 2991291 — Milton L. & Jacqueline Gabriel, d.b.a. Eichorn Beverage, 3484 West 50th Street. (Ward 14). Received.

File No. 1893-01.

Re: Transfer of Ownership and Location Application — 4527291 — Kay Global, Inc., d.b.a. Babylon Modern Bistro, 1001 Old River Road. (Ward 13). Received.

PLATS

File No. 1894-01.

By Councilman Cintron. West 40th Street Extension. (Ward 14). Received.

Referred to Committees on City Planning and Public Service.

File No. 1895-01.

By Councilman Melena. Eco Village Subdivision. (Ward 17). Received.

Referred to Committees on City Planning and Public Service.

CONDOLENCE RESOLUTIONS

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

Res. No. 1896-01—Lucille Perk.

Res. No. 1897-01—Ida M. Kenniebrew.

Res. No. 1898-01—Gilberto Lozada, Jr.

Res. No. 1899-01—Roberto Lozada.

Res. No. 1900-01—Fransisca Mendiola.

Res. No. 1931-01—Richard West.

CONGRATULATION RESOLUTIONS

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

Res. No. 1901-01—Sam Donaldson.

Res. No. 1902-01—Ruben E. Pope, Jr.

Res. No. 1903-01—Commander William Tell.

Res. No. 1904-01—Gene Fixler.

Res. No. 1905-01—Steven A. Minter.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 275-A-2000. (As a substitute for Ordinance No. 275-2000).

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Three C's Management and Development Corp. to provide economic development assistance to partially finance the acquisition and improvement of the property, located at 7049 Superior Avenue, Cleveland, Ohio.

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 a contract with Three C's Management and Development Corp. to provide economic development assistance to partially finance the acquisition and improvement of the property located at 7049 Superior Avenue, Cleveland, Ohio.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Summary contained in File No. 275-A-2000-A.

Section 3. That the costs of said contract shall not exceed One Hundred Ninety-Seven Thousand One Hundred Twenty Dollars (\$197,120.00), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 22729.

Section 4. That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Summary contained in the file referenced above in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. 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. 17 SF 006.

Section 6. 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 to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. 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 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.

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

Without objection, substitute ordinance agreed to. Ordinance No. 275-2000 laid on the table.

Ord. No. 1906-01.

By Mayor White.

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and maintain fencing for the various divisions of the Department of Port Control, 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 Port Control 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 install and maintain fencing for the various divisions of the Department of Port Control, in the approximate amount as purchase during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Port Control. 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 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 109735)

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

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

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

Ord. No. 1907-01.

By Mayor White.

An emergency ordinance to enter into an amendment to Contract No. 52855 with the Strongsville Tobacco Trading Co., Inc. to allow them to sell additional items.

Whereas, pursuant to Ordinance No. 341-97, passed July 16, 1997, the Director of Port Control entered into Lease By Way of Concession No. 52855 with the Strongsville Tobacco Trading Co., Inc. ("STTC") for the use of certain space at Cleveland Hopkins International Airport for operation of a tobacco/gourmet concession; and

Whereas, the authorizing ordinance and lease specifically list the items to be sold; and

Whereas, STTC desires to sell additional items not specifically listed; 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 Port Control is hereby authorized to enter into an amendment to Contract No. 52855 with the Strongsville Tobacco Trading Co., Inc. ("STTC") to allow STTC, with the prior written approval of the Director of Port Control, to offer for sale or sell any additional items or services not delineated in Ordinance No. 341-97, passed July 16, 1997.

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

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

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

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.

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

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.

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

Ord. No. 1910-01.

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

An emergency ordinance to amend Section 2 of Ordinance No. 851-2000 passed June 12, 2000 relating to a contract with Marshall-Magnate Building, LTD to provide a loan to partially finance the rehabilitation and redevelopment of the historic Marshall Drug Building.

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. 851-2000, passed June 12, 2000, is hereby amended to read as follows:

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Summary contained in File No. **851-2000-B**.

Section 2. That existing Section 2 of Ordinance No. 851-2000, passed June 12, 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.

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

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 \$8,000 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.

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

Ord. No. 1912-01.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Vesta-Cleveland LLC, or its designee, to provide financial assistance in the form of Community Development Float Loans to partially finance the construction and development costs related to the redevelopment of the Rainbow Terrace Apartments.

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 hereby authorized to enter into one or more Community Development Float Loan Agreements with Vesta-Cleveland LLC, or its designee, to provide financial assistance to partially finance the construction and development costs related to the redevelopment of the Rainbow Terrace apartments.

Section 2. That the terms of said loan or loans shall be determined by the Director of Community Development in accordance with Federal regulation, State and local laws, and

said Director is hereby authorized to amend said terms, from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 3. That the aggregate cost of the agreements referenced above shall not exceed Five Million Dollars (\$5,000,000) and shall be paid from Fund No. 14 SF 810, Request No. 104685.

Section 4. That the Director of Community Development shall obtain irrevocable, unconditional letters of credit to secure repayment of said loans. Any security instrument shall be approved by the Director of Law.

Section 5. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan or loans and to deposit said monies in Fund No. 14 SF 810.

Section 6. That the Director of Community Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of one or more loan applications, closings, and servicing of the loan or loans.

Section 7. That the Director of Law is hereby authorized to prepare said contract or contracts and such other documents as may be appropriate to complete the transactions.

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.

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

Ord. No. 1913-01.

By Councilmen Jackson, Cintron, O'Malley, Cimperman and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Economic Development Initiative Grant funds for acquisition, architectural and engineering costs, second mortgage assistance and infrastructure for the Homeownership Zone Project; and to enter into all contracts and related documents with Burten, Bell Carr Development, Inc., or its designee, for the acquisition, architectural and engineering and second mortgage assistance for the Homeownership Zone; and determining the methods of, and authorizing the Directors of Community Development, Public Service, Public Utilities and other City officials, as appropriate, to enter into contracts for the construction of public improvements, amenities and related matters; and authorizing and approving related matters.

Whereas, the City has entered into an agreement with the U.S. Department of Housing and Urban Development, Grant No. B-96-ED-39-2004, authorized by section 108(q) of the Housing and Urban Development Act of 1974, as amended by section 232(a) of the Multifamily Housing Property Disposition Reform Act of 1994, codified at 42 U.S.C. 5308(q) (collectively, the "Act") through

which the City shall receive grants under section 108(q) of the Act for the Economic Development Project described in the City's approved application known as the Neighborhoods of Central Homeownership Zone located in an area bounded by Cedar Avenue, East 36th Street, Community College Avenue and Scovill Avenue, and East 71st Street, Cleveland, Ohio (the "Homeownership Zone"); and

Whereas, the City seeks the maximum use of these funds consistent with both City and Economic Development Initiative Grant Program objectives; and

Whereas, Burten, Bell Carr Development, Inc. or its designee, (hereinafter referred to as "Developer") asked the City to provide funds to acquire real property pursuant to 24 CFR 570.703(a), for housing rehabilitation pursuant to 24 CFR 570.703(h), for second mortgage assistance to homebuyers pursuant to 24 CFR 570.703(i)(2) and for the City to conduct infrastructure activities pursuant to 24 CFR 570.703(l) each related to the development and sale of 420 new, single, double and townhouse homes and the rehabilitation of 45 units of single family housing in the Homeownership Zone; and

Whereas, the City has determined that this activity is in the public interest and is consistent with both City and Economic Development Initiative Grant objectives; 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 Community Development is hereby authorized to enter into and execute all contracts and all necessary documents for and on behalf of the City of Cleveland with Burten, Bell Carr Development, Inc., or its designee, (hereinafter "Developer") to provide funds for acquisition of real property, housing rehabilitation and second mortgage assistance to homebuyers in the Homeownership Zone.

Section 2. That the Director of Community Development is hereby authorized to accept promissory notes and mortgages and any other security instrument executed to evidence and secure repayment of second mortgage assistance to homebuyers. Any security instrument shall be prepared and approved by the Director of Law.

Section 3. That the Director of Community Development is hereby authorized to accept monies in repayment of the second mortgage assistance and to deposit said monies in Fund No. 13 SF 886.

Section 4. That the Director of Community Development is hereby authorized to accept and charge fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the application, closing and servicing of the second mortgage financing. Such fees shall be deposited to and expended from Fund No. 13 SF 886, Loan Fees Fund.

Section 5. That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of second mortgage assistance administered by the City pursuant to this Ordinance.

Section 6. That the Director of Law is authorized to prepare said contracts and such other documents as may be appropriate to complete the transaction.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of grading, constructing and improving water and sewer lines, sidewalks, landscaping, curbs, street paving and lighting and related street and utility improvements in the Homeownership Zone for the Departments of Public Service, Public Utilities or Community Development, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 8. That the Directors of Public Service, Public Utilities or Community Development, as appropriate, 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 9. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

Section 10. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

Section 11. That the aggregate cost of all contracts authorized by this ordinance shall not exceed Four Million Six Hundred Forty-Three Thousand, Nine Hundred and Sixty-Five Dollars (\$4,643,965.00) and shall be paid from Fund No. 13 SF 886.

Section 12. That the Mayor, the Directors of Law, Finance, Community Development, Public Service and Utilities, and such other appropriate City officials, are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate in connection with carrying out the terms of the agreements and improvements authorized in this Ordinance.

Section 13. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1914-01.

By Councilman Johnson.
An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Rudy's Mini Mart, Ltd. for the Renovation of Rudy's Mini Mart, Ltd. 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 Economic Development is authorized to enter into an agreement with Rudy's Mini Mart, Ltd. for the Renovation of Rudy's Mini Mart, Ltd., for the public purpose of providing economic development and new job creation for City residents.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 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.

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

Ord. No. 1915-01.

By Councilman Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Newton Avenue to Flossie Saunders.

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). 119-11-028 (Easterly part of), as more fully described in Section 2 below, to Flossie Saunders.

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

P. P. No. 119-11-028 (Easterly part of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 16 in the Logan Company's Subdivision of part of Original One Hundred Acre Lot No. 401, as shown by the recorded plat in Volume 40 of Maps, Page 20 of Cuyahoga County Records and also part of Sublot No. 11 in Marsh and Cody's Subdivision of part of Original One Hundred Acre Lot No. 401, as shown by the recorded plat in Volume 14 of Maps, Page 48 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of said Sublot No. 16, at a point 34 feet Easterly measured along said Southerly line from the Southeastly corner of land conveyed by Philip H. Marquard and Sophie Marquard, husband and wife, to Charles F. McConnell by deed dated June 1, 1911, and recorded in Volume 1352, Page 260, of Cuyahoga County Records; thence Easterly along the Southerly line of said Sublot No. 16, about 8.12 feet to the Northwestly corner of said Sublot No. 11, thence Southerly along the Westerly line of said Sublot No. 11, 23.59 feet; thence Easterly on a line parallel with the Northerly line of said Sublot No. 11, 15 feet to a point; and the principal place of beginning of the parcel of land herein intended to be described; thence continuin'g Easterly, along said line parallel with the Northerly line of Sublot No. 11, 15 feet to a point therein; thence Northerly along the Easterly line of said Sublot No. 11 and the Northerly prolongation thereof, to a point in the Southerly line of Newton Avenue, N.E.; thence Westerly along the Southerly line of said Newton Avenue, N.E., to a point therein; thence Southerly, along a line parallel with and distant Westerly 15 feet by rectangular measurement from the Easterly line of said Sublot No. 11 about 51.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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

Ord. No. 1916-01.

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

An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into a lease/purchase agreement with the Vesper Corporation; and authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to the Vesper Corporation pursuant to the lease/purchase agreement.

Whereas, the City of Cleveland owns certain property located in the area of East 80th and East 81st Streets; and are no longer needed for public use; 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 are no longer needed for public use:

Permanent Parcel No. 127-07-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 101 in Charles H. Seymour's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 38 of Cuyahoga County Records and being 38 feet front on the Easterly side of East 80th Street (formerly Atlantic Street) and extending back of equal width 139.83 feet as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to zoning ordinances, if any.

Permanent Parcel No. 127-07-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 100 on East 80th Street, in the Charles H. Seymour Subdivision of part of Original Township Lot No. 431, as appears by said plat recorded in Volume 5 of Maps, Page 38 of Cuyahoga County Records, being 38 feet front on the Easterly side of East 80th Street, and extending back of equal width, 139 feet 10 inches deep as appears by said plat, and subject to all legal highways.

Permanent Parcel No. 127-07-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 18 in C.C. Baldwin's Re-Allotment of A.C. Armstrong's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 14 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 81st

Street, and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 127-07-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in C. Baldwin's Re-Allotment of A.C. Armstrong's Allotment of a part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 14 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 81st Street (formerly Fredwill Street) and 120 feet deep, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

Section 2. That the Director of Economic Development and Community Development are authorized to enter into a lease with an option to purchase, with Vesper Corporation for certain property which is determined to be not needed for public use and which is described in this ordinance.

Section 3. That the term of the lease authorized shall not exceed nine (9) years and shall be leased at a rental of One Hundred Dollars (\$100.00) per year for the first six years and then the rental shall be One Dollar (\$1.00) per year for the remaining three years of the lease. The lease will also include the option to purchase the leased premises at any time during the lease period when the following two conditions have been met: 1) the Vesper Corporation submits plans to construct a 80,000 sq. ft. building to be located at 3249 East 80th Street; and (2) the Vesper Corporation has applied for a permit for that construction. If the option to purchase the leased property is exercised and the two foregoing conditions have been met, then the balance of the lease payments shall be due at that time.

Section 4. That the lease/purchase agreement shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 5. That, provided the City of Cleveland does sell the above described property to the Vesper Corporation pursuant to the lease/purchase agreement, 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 Vesper Corporation 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 deemed necessary or appropriate.

Section 6. 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 7. That the Directors of Economic Development, Community Development and Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be nec-

essary or appropriate to effect the lease with option to purchase authorized by this ordinance.

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.

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

Ord. No. 1917-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Ohio Canal Corridor to provide professional services to study extending the Ohio Canal Towpath Trail to its historical northern terminus.

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 a grant agreement with the Ohio Canal Corridor to provide professional services to study extending the Ohio Canal Towpath Trail to its historical northern terminus.

Section 2. That the costs of said grant shall not exceed Twenty-Five Thousand Dollars (\$25,000) and shall be paid from Fund No. 10 SF 526, Request No. 103504.

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

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

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

Ord. No. 1918-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Midwest Railway Preservation Society, Inc. to provide professional architectural and engineering services associated with the Roundhouse Restoration Project.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a grant agreement with the Midwest Railway Preservation Society, Inc. to provide professional architectural and

engineering services associated with the Roundhouse Restoration Project.

Section 2. That the costs of said grant shall not exceed Forty Thousand Dollars (\$40,000) and shall be paid from Fund No. 10 SF 526, Request No. 103503.

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

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

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

Ord. No. 1919-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1544-01, passed August 15, 2001, relating to a contract with LTV Corporation and/or LTV Steel Company to provide financial assistance for the purpose of retaining LTV Steel and its employees in Cleveland.

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, Section 1 and Section 2 of Ordinance No. 1544-01, passed August 15, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into agreements with LTV Corporation and/or LTV Steel Company, Inc. and/or others for the benefit of LTV Corporation and/or LTV Steel Company, Inc. to provide financial assistance for the purpose of retaining LTV Steel and its employees in Cleveland.

Section 1. That the Director of Economic Development is hereby authorized to enter into agreements with LTV Corporation and/or LTV Steel Company, Inc. and/or others for the benefit of LTV Corporation and/or LTV Steel Company, Inc. to provide financial assistance for the purpose of retaining LTV Steel and its employees in Cleveland.

Section 2. That the terms of said agreements shall be in accordance with the Terms of City Financial Participation as set forth on page 4 of the Summary dated October 1, 2001 contained in File No. 1544-01-B.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1544-01, 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.

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1920-01.

**By Councilman Cimperman.
An ordinance to change the Use District of lands on the north side of St. Clair Avenue between East 40th Street and East 45th Street. (Map Change No. 2037, Sheet No. 4)**

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

Section 1. That the Use District of bounded and described as follows: Beginning at the intersection of the center line of St. Clair Avenue and the center line of East 40th Street; thence northeasterly along the center line of St. Clair Avenue to its intersection with the center line of East 45th Street; thence northerly along the center line of East 40th Street to the center line of Hamilton Court; thence southwesterly along the center line of Hamilton Court to the center line of East 40th Street; thence southerly along the center line of East 40th Street to the place of the beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Residence-Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2037, Sheet No. 4, and shall be made upon the Building Zoning Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by Law.

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

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

Ord. No. 1921-01.

**By Councilman Polensek.
An emergency ordinance authorizing the Clerk of Council to enter into a contract with the Legal News Publishing Co. for the labor and materials to publish and distribute the City Record for a period of 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 Clerk of Council is hereby authorized to enter into a requirement contract with Legal News Publishing Co. in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the publishing and distribution of the City Record for a period of two years to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Council of the City of Cleveland.

Section 2. That the cost of said contract shall be charged against the proper appropriation account, Fund No. 01, Organization 010101 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 the order of the Commissioner of Purchases and Supplies pursuant to requisition against such contract duly certified by the Director of Finance. Said requirement contract shall provide that the contractor shall furnish the remainder of the Council'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.

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

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

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

Ord. No. 1922-01.

By Councilman Polensek (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Collinwood High School to encroach into the public right-of-way of St. Clair Ave., Ivanhoe Rd. and E. 152nd St. to hang ten (10) Location Identification Banners using 5-CPP and 5-CEI utility poles (by separate permissions).

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Collinwood High School, 15210 St. Clair Avenue, Cleveland, Ohio 44110, its successors and assigns, for the construction, use and maintenance of ten (10) Location Identification Banners; five (5) banners to be hung on Cleveland Public Power utility poles and five (5) banners to be hung on Cleveland Electric Illuminating Company utility poles (by separate permissions) and which banners will encroach into the public right-of-way of St. Clair Avenue, Ivanhoe Road and East 152nd Street at the locations described as follows:

LOCATION: OWNER:	POLE NO.:	POLE
On the West Side of E.152nd St. South of St. Clair Ave.	#A10136	C.P.P.
On the East Side of E.152nd St. South of St. Clair Ave.	#A1014	C.P.P.
On the Northerly Side of Ivanhoe Rd. South of St. Clair Ave.	#A1016, #A1017, and #A1019	C.P.P.
The first four C.E.I. Poles on the South Side of St. Clair Ave. East of East 152nd St.	No Tags	C.E.I.
The first C.E.I. Pole on the Westerly Side of Ivanhoe Rd. Southeast of East 152nd St.	No Tag	C.E.I.

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

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

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

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

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

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

Ord. No. 1923-01.

By Councilman Westbrook (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cudell Improvement, Inc., on behalf of the Lorain-Denison Merchants Association, to encroach into the right-of-way of Lorain Ave. from West Blvd. to W. 90th St. to hang 25-Illuminated Holiday Decorations using 14-CPP and 11-CEI utility poles (by separate permissions).

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Cudell Improvement, Inc., on behalf of the Lorain-Denison Merchants Association, its successors and assigns, for the construction, use and maintenance of twenty-five (25) Illuminated Holiday Decorations which will encroach into the public right-of-way on Lorain Avenue from West Boulevard to West 90th Street using fourteen (14) Cleveland Public Power and eleven (11) Cleveland Electric Illuminating Company utility poles (by separate permissions) during the holiday season from the period of November 15th to January 15th at the locations described as follows:

<u>LOCATION:</u>	<u>POLE # & OWNER</u>	<u>ATTACHMENT:</u>
1) 3171 West Blvd. (pole is on Lorain) (S)	AOM-22-56/CPP	Illuminated Holiday
2) 10025 Lorain (S)	AOM-22-59/CPP	Illuminated Holiday
3) 9933 Lorain (S)	AOM-22-62/CPP	Illuminated Holiday
4) 9901 Lorain (S)	AOM-22-64/CPP	Illuminated Holiday
5) 9807 Lorain (S)	AOM-22-67/CPP	Illuminated Holiday
6) S.E. Corner West 98th (S)	AOM-22-68/CPP	Illuminated Holiday
7) 9709 Lorain (S)	AOM-22-71/CPP	Illuminated Holiday
8) 9615 Lorain (S)	AOM-22-73/CPP	Illuminated Holiday
9) 9437 Lorain (S)	AOM-15-64/CPP	Illuminated Holiday
10) S.W. Corner West 94th (S)	None/CPP	Illuminated Holiday
11) 9209 Lorain (S)	None/CPP	Illuminated Holiday
12) 9025 Lorain (S)	AOM-15-53/CPP	Illuminated Holiday
13) 9119 Lorain (S)	AOM-15-59/CPP	Illuminated Holiday
14) Triangle 9233 Lorain (S)	None/CPP	Illuminated Holiday
15) 9402 Lorain (N)	13724/CEI	Illuminated Holiday
16) 9428 Lorain (N)	None/CEI	Illuminated Holiday
17) 9508 Lorain (N)	13722/CEI	Illuminated Holiday
18) 9600 Lorain (N)	13726/CEI	Illuminated Holiday
19) 9700 Lorain (N)	13727/CEI	Illuminated Holiday
20) 9740 Lorain (N)	13729/CEI	Illuminated Holiday
21) 9840 Lorain (N)	530319/CEI	Illuminated Holiday
22) 9918 Lorain (N)	None/CEI	Illuminated Holiday
23) 10034 Lorain (N)	51197/CEI	Illuminated Holiday
24) 10120 Lorain (N)	51196/CEI	Illuminated Holiday
25) N.W. Corner Lorain & West Blvd. (N)	51195/CEI	Illuminated Holiday

Section 2. That said Illuminated Holiday Decorations will be hung within the public right-of-way in the portions of the streets as aforesaid, and said Decorations will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

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

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

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

Res. No. 1924-01.

By Councilman Cimperman.

An emergency resolution urging parking lot operators to act responsibly and to refrain from raising their rates in response to the recently enacted parking ban and declaring Council's intent to enact legislation barring rate in the event that operators refuse to act cooperatively.

Whereas, due to the horrific events of September 11, 2001, cities across the country, including Cleveland, have increased security measures; and

Whereas, as part of the increased security measures, the City's Administration implemented a ban on parking near certain public and private buildings; and

Whereas, with this parking ban, certain parking lot operators may give consideration to raising their parking rates for customers; and

Whereas, this Council would find such actions unconscionable and urges parking lot operators to refrain from price gouging; and

Whereas, in the event that parking lot operators raise their rates to take advantage of the parking ban imposed because of heightened security, then this Council would seek legislative action to prohibit such practices; and

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

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

Section 1. That the Council of the City of Cleveland urges parking lot operators to refrain from engaging in unconscionable business practices by raising their rates in response to the recently enacted parking ban and this Council declares its intent to enact legislation barring such practices if operators refuse to act cooperatively.

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

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

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

Res. No. 1925-01.

By Councilman Coats.

An emergency resolution withdrawing objection to the renewal of a D4 Liquor Permit to 527 East 140th Street, and repealing Res. No. 1333-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D4 Liquor Permit to 527 East 140th Street by Res. No. 1333-2000 adopted by Council on July 28, 2000; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a D4 Liquor Permit to 527 East 140th Street, by and the same is hereby withdrawn and Res. No. 1333-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1926-01.

By Councilman Coats.

An emergency resolution withdrawing objection to the renewal of a D4 Liquor Permit to 527 East 140th Street, and repealing Res. No. 1594-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a D4 Liquor Permit to 527 East 140th Street by Res. No. 1594-01 adopted by Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a D4 Liquor Permit to 527 East 140th Street, by and the same is hereby withdrawn and Res. No. 1594-2001, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1927-01.

By Councilman Jones.

An emergency resolution urging and supporting the international campaign to keep space for peace, and to eliminate the use of space-based military weapons, and welcoming the national conference on keeping space for peace.

Whereas, the Bush Administration is seeking to develop a space-based weapons system, popularly known as Star Wars, which will cost taxpayers hundreds of billions of dollars; and

Whereas, the space-based program would be completely ineffective against the kind of terrorist attack that took place on September 11, 2001, and would draw needed funds away from efforts to combat terrorism; and

Whereas, money is desperately needed to rebuild the crumbling infrastructure of our cities, to help provide affordable health care, education, housing and other human needs; and

Whereas, the citizenry of Cleveland and our nation should have informed input into the priorities our federal government sets; and

Whereas, this space-based program will violate the 1972 ABM Treaty and can lead to more global instability; and

Whereas, military planners prefer nuclear devices be used in this space weapons program, which can cause environmental damage to our planet; and

Whereas, there is no certainty that such a space-based program will work; and

Whereas, our nation and all of the nations and peoples of the world need to find avenues to resolve conflict without resorting to war, by strengthening international institutions; and

Whereas, the people of Cleveland and of the United States need to learn more about this vital issue, and to find out how they can become involved in the growing international campaign to keep space for peace; now, therefore,

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

Section 1. That this Council of the City of Cleveland hereby welcomes to Cleveland the national conference on keeping space for peace, sponsored by Global Network Against Weapons and Nuclear Power in Space and Cleveland Peace Action that was held on October 13, 2001 at Cleveland State University.

Section 2. That it is the hope of this Council that the exchange of views that took place at this special conference will lead to an increased awareness on the part of participants from Cleveland and from around the country on this vital issue, which will affect the future of all of us.

Section 3. That this Council strongly urges the citizens of Cleveland to become involved in the international campaign to keep space for peace.

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

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

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

Res. No. 1928-01.**By Councilman Polensek.**

An emergency resolution determining the lowest and best bid for the labor and materials to publish and distribute the City Record for a period of two years and authorizing the clerk of Council to enter into a requirement contract for the same.

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 it is hereby determined that the bid of Legal News Publishing Co. for the labor and materials to publish and distribute the City Record for a period of two years is the lowest and best bid received after advertisement in accordance with Section 108 of the city charter, pursuant to Ordinance No. 1402-01, passed July 18, 2001, and the Clerk of Council is hereby authorized to enter into a requirement contract with Legal News Publishing Co. for such services in accordance with the specifications upon which said bid was received. The cost of said contract shall be payable out of funds appropriated for Council, Fund No. 01 Organization 010101.

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

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

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

Res. No. 1929-01.**By Councilman Rybka.**

An emergency resolution withdrawing objection to the transfer of ownership and location of a D2, D2X and D3 Liquor Permit to 5007 Fleet Avenue, and repealing Res. No. 964-01 objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a D2, D2X and D3 Liquor Permit to 5007 Fleet Avenue by Res. No. 964-01 adopted by Council on May 21, 2001; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location; and

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

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

Section 1. That objection to the transfer of ownership and location of a D2, D2X and D3 Liquor Permit to 5007 Fleet Avenue, be and the same is hereby withdrawn and Res. No. 964-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location thereof.

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

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

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

Res. No. 1930-01.**By Councilman White.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Road, and repealing Res. No. 968-01 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Road by Res. No. 96801 adopted by Council on May 21, 2001; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 11334 Miles Road, be and the same is hereby withdrawn and Res. No. 968-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES

Ord. No. 1343-01.**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 Office of Criminal Justice Services - Byrnes Memorial Grant for the Cleveland Community Re-entry Program; and to enter into contract with Community Re-entry, Inc. to implement the program.

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

Ord. No. 1344-01.**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 Minority Health Commission for the Just Chillin' Club Grant.

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

Ord. No. 1365-01.**By Councilman Westbrook.**

An emergency ordinance to vacate a portion of West 68th Street hereinafter described.

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

Ord. No. 1489-01.**By Councilmen Cintron and Patmon (by departmental request).**

An emergency ordinance giving consent of the City of Cleveland for replacing the Schaaf Road (CR-97) Bridge No. 6:034 over the CSXT railroad; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

Ord. No. 1498-01.**By Councilmen Gordon and Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies to provide HIV/AIDS-related services.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Public Health, Finance; when amended as follows:

1. Insert new Section 2 to read as follows:

"Section 2. That each agency entering into contract with the City pursuant to this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work."

2. Renumber existing Sections 2 and 3, respectively, to new **"Section 3"** and **"Section 4"**.

Amendments agreed to.

Ord. No. 1503-01.**By Councilman Polensek.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 19520 Shelton Drive to David G. Swintek.

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

Ord. No. 1504-01.**By Councilmen Polensek and Patmon (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to enter into a Memorandum of Understanding with Cuyahoga Metropolitan Housing Authority.

Approved by Directors of Public Safety, Finance, Law; Relieved of Committee on Public Safety; Passage recommended by Committees on Public Safety, Finance; when amended as follows:

1. In Section 1, line 5, delete "and the City".

Amendment agreed to.

Council Member Cimperman left the meeting.

Ord. No. 1505-01.

By Councilman Rybka.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Union Avenue to Slavic Village Development Corporation.

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

1. In the title, lines 4 and 5, and in Section 1, line 3, strike "Slavic Village Development Corporation" and insert in lieu thereof the following: "**International Refractory Services Corporation**".

Amendment agreed to.

Ord. No. 1508-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 441-01, passed April 30, 2001, relating to the 2002 ski program.

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

1. In Section 1, line 4, after "contract" insert the following: ", in an amount not to exceed \$28,000.00."

Amendment agreed to.

Ord. No. 1510-01.

By Councilmen White, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a sixteenth amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue; and to allow the City to utilize the Broadway YMCA gymnasium for a youth basketball program.

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

Ord. No. 1729-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 505.11, as amended by Ordinance No. 537-2000, passed July 17, 2000, relating to the duty to repair sidewalks, curbs and gutters; duty to maintain certain sidewalks, liability.

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

Ord. No. 1735-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance to amend Sections 1 and 3 of Ordinance No. 615-01, passed May 14, 2001, relating to a grant from the State of Ohio to conduct the State Home Weatherization Assistance Program and to enter into contract with various entities to implement the program.

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

Ord. No. 1736-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of homeless assistance activities and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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

1. In Section 1, line 2, strike "various non-profit agencies" and insert in lieu thereof the following: "**the following various non-profit agencies or their designees**"; and in line 3, strike the period and insert the following: "**; Bridgeway, Inc., Catholic Charities, Continue Life, Domestic Violence Center, East Side Catholic Shelter, Family Transitional Housing, Mental Health Services, Inc., The Salvation Army, Transitional Housing, Inc., University Settlement and West Haven Youth Shelter.**".

Amendment agreed to.

Ord. No. 1748-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of equipment and maintenance of lighting control systems at Willard Garage, including removal and proper disposal, if necessary, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, for a period not to exceed two years.

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

1. In the title, lines 10 and 11; and in Section 1, lines 4 and 5; and in Section 1, line 14, strike "two years" and insert in lieu thereof "**one year**".

2. In Section 1, line 7, strike "in the estimated sum of \$40,000".

3. In Section 2, line 1, after "shall" insert "**not exceed \$20,000 and shall**".

Amendments agreed to.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1886-01.

By Councilmen Polensek, Jones, White, Reed, Johnson, Jackson, Britt, Patmon, Willis, Coats, Rybka, Cimperman, Cintron, Gordon, O'Malley, Melena, Westbrook, Brady, Sweeney, Dolan.

An emergency resolution declaring Council's intent to amend Ordinance No. 3028-84 concerning pay increases for members of Council no later than January 31, 2002 and proposing to increase salaries of members of Council at the same percentage as increases for other city employees as specified in the City's collective bargaining agreements.

Relieved of Committee on Legislation; Adoption recommend by Committee on Finance, when amended as follows:

1. In the title, lines 5 and 6, and in Section 1, line 2, strike "January 31, 2002" and insert in lieu thereof "**June 30, 2002**".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

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

Council Member Jones entered the meeting.

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1493-01.

By Councilman Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Fuller Avenue to Burten, Bell, Carr Development, Inc.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1495-01.

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 2001-2002 Cleveland Infant Mortality Reduction Initiative Project and to enter into contract with Lutheran Metropolitan Ministry Association to implement the program.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1496-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed two portable lead detectors, for the Division of Environment, Department of Public Health.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1497-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to amend Contract Nos. 57916, 57917, 57919, 57899, 57953 and 57954 with various agencies to provide occupant relocations in conjunction with the 2001-2003 Lead-Based Paint Hazard Control Program.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1499-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contracts with the Ohio Department of Public Health for

performance of environmental assessments of the residences of Medicaid-eligible children, for the Division of Environment, Department of Public Health.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 1732-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into an agreement with the Cleveland Society for the Blind to provide canteen services at the Cleveland House of Corrections, Department of Public Health for a period of one year, with a one year option to renew.

Read third time. Passed. Yeas 19. Nays 0.

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, October 22, 2001, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 1343-01.

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 Office of Criminal Justice Services - Byrne Memorial Grant for the Cleveland Community Re-entry Program; and to enter into contract with Community Re-entry, Inc. to implement the program.

Ord. No. 1344-01.

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 Minority Health Commission for the Just Chillin' Club Grant.

Ord. No. 1365-01.

By Councilman Westbrook.

An emergency ordinance to vacate a portion of West 68th Street hereinafter described.

Ord. No. 1489-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for replacing the Schaaf Road (CR-97) Bridge No. 6:034 over the CSXT railroad; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Ord. No. 1498-01.

By Councilmen Gordon and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies to provide HIV/AIDS-related services.

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 enter into one or more contracts to provide HIV/AIDS-related services with the following agencies, in the following amounts:

Agency	Amount
AIDS Taskforce of Greater Cleveland	\$46,558.00
BlackOut Limited	\$41,140.00
Cleveland State University	\$11,400.00
Ohio AIDS Coalition	\$11,190.00

Section 2. That each agency entering into contract with the City pursuant to this ordinance shall be required to comply with the evaluation services provided by Cleveland State University's School of Social Work.

Section 3. That the costs of the contracts authorized above shall be paid from Fund No. 01-500501-638000, Request No. 40582.

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.

Ord. No. 1503-01.

By Councilman Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 19520 Shelton Drive to David G. Swintek.

Ord. No. 1504-01.

By Councilmen Polensek and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a Memorandum of Understanding with Cuyahoga Metropolitan Housing Authority.

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 enter into a Memorandum of Understanding with Cuyahoga Metropolitan Housing Authority ("CMHA") for the hiring of a Scientific Examiner by CMHA to conduct forensic testing and other laboratory functions for CMHA at the Scientific Investigation Unit of the Cleveland Division of Police. The Director of Public Safety is autho-

rized to execute any documents necessary to effectuate the intent of this Memorandum of Understanding and is authorized to amend the Memorandum of Understanding as may be necessary.

Section 2. That the Memorandum of Understanding shall be prepared by the Director of Law and shall contain such terms and provisions as he deems necessary to protect and benefit the public interest.

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.

Ord. No. 1505-01.

By Councilman Rybka.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Union Avenue to **International Refractory Services Corporation.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 133-02-003 and 133-02-004, as more fully described below, to **International Refractory Services Corporation.**

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

P. P. No. 133-02-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 26 in C.C. Morgan's Allotment of part of Original One Hundred Acre Lot No. 319, as shown by the recorded plat in Volume 23 of Maps, Page 2 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly side of Union Avenue, S.E., (formerly Union Street), at the Northeast corner of said Sublot No. 26; thence Southerly along the Easterly line of said Sublot No. 26, 107 feet; thence Westerly on the line parallel to and 34 feet Northerly from the Southerly of said Sublot No. 26, 28 feet; thence Northerly about 107 feet to the Southerly line of Union Avenue,

S.E.; thence Easterly along the Southerly line of Union Avenue, S.E., 28 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 133-02-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 319 bounded and described as follows:

Beginning at the intersection of the Southerly line of Union Avenue, S.E., with the Westerly line of land conveyed to John R. Wright, by deed dated August 21, 1908 and recorded in Volume 1168, Page 11 of Cuyahoga County Records; thence Westerly along the Southerly line of said Union Avenue, S.E., 41.89 feet to the Northeastly corner of Sublot No. 26 of C.C. Morgan's Subdivision as shown by the recorded plat in Volume 23 of Maps, Page 2 of Cuyahoga County Records; thence Southerly along the Easterly line of said Sublot No. 26, 141 feet to the Northerly line of Sublot No. 25 in C.C. Morgan's Subdivision aforesaid; thence Easterly along the Northerly line of said Sublot No. 25, 42 feet to the Westerly line of land so conveyed to John R. Wright, as aforesaid; thence Northerly along the Westerly line of land so conveyed to John R. Wright, about 141.51 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Ord. No. 1508-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 441-01, passed April 30, 2001, relating to the 2002 ski 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 Section 1 of Ordinance No. 441-01, passed April 30, 2001, is hereby amended to read as follows:

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract in an amount not to exceed \$28,000.00 with Boston Mills Ski Resort to provide youth ski lessons for the 2002 ski season, payable from Fund Nos. 01-700401-638000, and from the fund or funds which are authorized and appropriated for this purpose, Request No. 32604.

Section 2. That existing Section 1 of Ordinance No. 441-01, passed April 30, 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.

Ord. No. 1510-01.

By Councilmen White, Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a sixteenth amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue; and to allow the City to utilize the Broadway YMCA gymnasium for a youth basketball program.

Ord. No. 1729-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 505.11, as amended by Ordinance No. 537-2000, passed July 17, 2000, relating to the duty to repair sidewalks, curbs and gutters; duty to maintain certain sidewalks, liability.

Ord. No. 1735-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance to amend Sections 1 and 3 of Ordinance No. 615-01, passed May 14, 2001, relating to a grant from the State of Ohio to conduct the State Home Weatherization Assistance Program and to enter into contract with various entities to implement the program.

Ord. No. 1736-01.

By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of homeless assistance activities and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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 hereby authorized to expend funds and enter into contract with the following various non-profit agencies or their designees for the implementation of homeless assistance activities; **Bridgeway, Inc., Catholic Charities, Continue Life, Domestic Violence Center, East Side Catholic Shelter, Family Transitional Housing, Mental Health Services, Inc., The Salvation Army, Transitional Housing, Inc., University Settlement and West Haven Youth Shelter.**

Section 2. That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,679,000.00 and shall be paid from Fund No. 13 SC 930, 14 SC 027 Request No. 104680.

Section 3. That the Director of Community Development is hereby authorized to enter into contracts with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

Section 4. That the cost of said contract authorized in Section 3 of this ordinance shall be in an amount not to exceed \$45,000.00 and shall be paid from Fund No. 14 SC 027 and Request No. 104680.

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.

Ord. No. 1748-01.

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of equipment and maintenance of lighting control systems at Willard Garage, including removal and proper disposal, if necessary, for the Division of Parking Facilities, Department of Parks, Recreation and Properties, for a period not to exceed 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 Parks, Recreation and Properties 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 of the necessary items of equipment and maintenance of lighting control systems at Willard Garage, including removal and proper disposal, if necessary, in the estimated sum of \$40,000 to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Parking Facilities, Department of Parks, Recreation and Properties. 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 one year 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 \$20,000 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 105501)

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.

BOARD OF CONTROL

October 10, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 10, 2001, at 11:00 a.m. with Mayor White presiding.

Present: Mayor White, Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies, Lucille Ambroz, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 724-01.

By Director Clark.

Whereas, by Resolution No. 621-01, adopted September 19, 2001 pursuant to the authority of Ordinance No. 1060-01, passed by the Council of the City of Cleveland on June 19, 2001 this Board of Control approved the bid of The Sherwin Williams Company as the lowest and best for the purchase of Paint and Paint Supplies (Group I Items 1-28, 30-88 and Group II Items 1-95); and

Whereas, in said Resolution No. 621-01, the Resolution Number was incorrectly stated, and it is desired to increase the amount of the Requisition to \$20,000.00, now therefore;

Be it resolved by the Board of Control of the City of Cleveland that the Board of Control Resolution No. 621-01, adopted September 19, 2001, affirming and approving the bid of The Sherwin Williams Company as the lowest and best bid for the purchase of various items of paint and paint supplies, for the various divisions of City Government, Department of Finance is hereby amended by changing the Requisition Number to 107125 and the Requisition amount to \$20,000.00.

Be it further resolved that all other provisions of said Resolution No. 621-01 not expressly amended hereby shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Director Whitlow.

Resolution No. 725-01.

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 10' dump bodies with back-of-cab compartments, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 9, 2001, pursuant to the authority of Ordinance No. 1685-2000, passed by the Council of the City of Cleveland on October 30, 2000, and Ordinance No. 99-01, passed by the Council of the City of Cleveland on January 22, 2001, which on the basis of the estimated quantity would amount to Eighty-Seven Thousand Four Hundred Seventy and 00/100 Dollars (\$87,470.00) (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. 103305

which shall be certified against such contract in the sum of Eighty-Seven Thousand Four Hundred Seventy and 00/100 Dollars (\$87,470.00).

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 Directors DeVaul, Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Director Whitlow.

Resolution No. 726-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 564-01, adopted August 22, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, approving the bid of Mueller Co. for pipe, repair clamps (item no. 5) for the Division of Water, Department of Public Utilities, is hereby amended by deleting "requisition no. 38676" and adding "requisition no. 114266".

Be it further resolved that all other provisions of said Resolution No. 564-01 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 727-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of ABB Water Meters for an estimated quantity of water meter parts (item no. 5 - 20% discount) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract,

received on the 8th day of August, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which, on the basis of the estimated quantity would amount to One Hundred Twenty-Five Thousand Dollars (\$125,000.00) (Net/30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 102191

which shall be certified against such contract in the sum of Twenty-Five Thousand Dollars (\$25,000.00).

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

Yeas: Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 728-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hersey Meters Company for an estimated quantity of water meter parts (item no. 2 - 2% discount) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 8th day of August, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which, on the basis of the estimated quantity would amount to Five Thousand Dollars (\$5,000.00) (Net/30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 102195

which shall be certified against such contract in the sum of Two Thousand Five Hundred Dollars (\$2,500.00).

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

Yeas: Directors Carr, Clark, Acting Director Brown, Director Sheperd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 729-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Badger Meters, Inc. for an estimated quantity of water meter parts (item no. 1 - 20% discount) for

the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 8th day of August, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which, on the basis of the estimated quantity would amount to One Hundred Twenty-Five Thousand Dollars (\$125,000.00) (Net/30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 102192 which shall be certified against such contract in the sum of Twenty-Five Thousand Dollars (\$25,000.00).

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

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 730-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Invensys Metering Systems - North American Water, Inc. for an estimated quantity of large water meters (item #5) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 8th day of August, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which, on the basis of the estimated quantity would amount to Forty Thousand Nine Hundred Fifty Dollars (\$40,950.00) (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 102193 which shall be certified against such contract in the sum of Fifteen Thousand Dollars (\$15,000.00).

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

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 731-01.

By Acting Director Brown.

Resolved by the Board of Control of the City of Cleveland that the bid of Energy Mechanical Corp., Inc. for the following: labor and material to supply and install one (1) vehicle exhaust ventilation system, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 13th day of September 2001, pursuant to the authority of Ordinance No. 843-01, passed June 11, 2001, which on the basis of the order quantity would amount to \$127,190.00 (2%, 30 Days), 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 and which together with all other contracts entered into pursuant to the above-mentioned ordinance, do not exceed a total of \$300,000.00.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 732-01.

By Acting Director Brown.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Monte Construction Co., Inc. for the public improvement of Erwin Avenue Storm Sewer Detention (Base Bid Items, including 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on August 23, 2001, pursuant to the authority of Ordinance No. 852-01 passed June 11, 2001, upon a unit basis for the improvement in the aggregate amount of One Hundred Nine Thousand Three Hundred Sixty-Seven and 50/100 Dollars (\$109,367.50), 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 Monte Construction Co., Inc. for the contract authorized herein is approved:

Subcontractor MBE/FBE Work

Perk Co.

MBE — \$22,050.00 — (21%)

Collinwood Shale & Brick

FBE — \$3,500.00 — (4%)

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 733-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Invensys Metering Systems, North American Water, Inc. for an estimated quantity of water meters parts (item no. 4 — 24% discount) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 8th day of

August, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which, on the basis of the estimated quantity would amount to Five Thousand Dollars (\$5,000.00) (Net/30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 114242

which shall be certified against such contract in the sum of Five Thousand Dollars (\$5,000.00).

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

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 734-01.

By Acting Director Brown.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 31, 2001 for hazardous and non-hazardous waste disposal services (all items) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1867-2000 are hereby rejected.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 735-01.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Woodhill Supply for an estimated quantity of small water meters (item 7) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 8th day of August, 2001, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which, on the basis of the estimated quantity would amount to Twenty-Six Thousand Two Hundred Fifty Dollars (\$26,250.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 102180

which shall be certified against such contract in the sum of Twenty-Six Thousand Two Hundred Fifty Dollars (\$26,250.00).

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

under subsequent requisitions separately certified against said contract.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 736-01.

By Acting Director DeVaul.

Whereas, Resolution No. 675-01, adopted by this Board on September 26, 2001, pursuant to the authority of Ordinance No. 1727-2000 passed by the Council of the City of Cleveland May 21, 2001, authorized the Acting Director of Public Service to enter into a contract with T & F Systems Inc. for the Harvard Yards Service Facility Roof Replacement and Renovations; and

Whereas, said Resolution No. 675-01 inadvertently omitted reference to ordinance number 2204-2000; now, therefore

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 675-01, adopted September 26, 2001, is hereby amended by inserting the words "Ordinance No. 2204-2000 passed by the Council of the City of Cleveland on February 12, 2001" after "Ordinance No. 2203-2000 passed by the Council of the City of Cleveland on February 12, 2001" in the fourth paragraph.

Be it further resolved, that all other provisions of said Resolution No. 675-01 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 737-01.

By Acting Director DeVaul.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Seitz Builders Inc., for the public improvement of constructing the Seville Road Service Facility Salt Storage Dome, for the Division of Streets, Department of Public Service, received on August 23, 2001, pursuant to the authority of Ordinance No. 2202-2000 passed February 12, 2001 and Ordinance No. 2204-2000 passed February 12, 2001, for a gross price for the improvement in the aggregate amount of Four Hundred Twenty Three Thousand Seven Hundred and no/100 Dollars (\$423,700.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service are 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 subcontractor by Seitz Builders Inc. is hereby approved:

Granger Trucking
MBE — \$32,800

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 738-01.

By Director Whitlow.

Resolved by the Board of Control of the City of Cleveland that the bid of Rupprecht and Patashnick Co., for the following: one continuous particulate monitor, for the Division of Environment, Department of Public Health, received on the 7th day of June 2001, pursuant to the authority of Ordinance No. 476-2000, passed May 1, 2000, which on the basis of the order quantity would amount to \$17,145.00 is hereby approved as the lowest and best bid, and the Director of the Department of Public Health is hereby requested to enter into contract for such items.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Mayor White.

Resolution No. 739-01.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Fire Distributors, Inc. for an estimated quantity of Hoses, Nozzles, Fittings and Adapters, item nos. 9, 11, 13, 14 and 16, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 9, 2001, pursuant to Ordinance No. 927-2000, which on the basis of the estimated quantity would amount to Four Thousand, Five Hundred Eighty Four Dollars and 00/100 (\$4,584.00) (2%, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 102061

as specified, which shall be certified against such contract in the sum of Four Thousand, Five Hundred Eighty Four Dollars and 00/100 (\$4,584.00).

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: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Patterson.

Resolution No. 740-01.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Kiesler Police Supply, Inc. for an estimated quantity of Ammunition, item nos. 1, 2, 9-12, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 31, 2001, pursuant to the authority of Section 135.065 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the

estimated quantity would amount to One Hundred Fourteen Thousand, Five Hundred Fifty and 00/100 Dollars (\$114,550.00) (2%, 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 102948

as specified, which shall be certified against such contract in the sum of Twenty Three Thousand, Five Hundred Seventy Five and 00/100 Dollars (\$23,575.00).

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

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Patterson.

Resolution No. 741-01.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Maltese Fire Equipment Company, Inc. for an estimated quantity of Hoses, Nozzles, Fittings and Adapters, item nos. 1-8, 10, 12, 15, 17 and 18, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 9, 2001, pursuant to Ordinance No. 927-2000, which was passed by Cleveland City Council on June 19, 2000, which on the basis of the estimated quantity would amount to Eighty Six Thousand, Two Hundred Sixty One and 75/100 Dollars (\$86,261.75) (2% 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 102062

as specified which shall be certified against such contract in the sum of Eighty Six Thousand, Two Hundred Sixty One and 75/100 Dollars (\$86,261.75).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement 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: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Patterson.

Resolution No. 742-01.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Matre Arms and Ammunition, Inc., for an estimated quantity of Ammunition, item no. 3, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 31, 2001, pursuant to the authority of Ordinance No. 646-92, which was passed by Cleveland City Council on June 1, 1992, which on the basis of the estimated quantity would amount to Eleven Thousand, Seven Hundred and 00/100 Dollars (\$11,700.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 102946

as specified, which shall be certified against such contract in the sum of Five Thousand, Eight Hundred Fifty and 00/100 Dollars (\$5,850.00).

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: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Patterson.

Resolution No. 743-01.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Abele-Davis Corp. for an estimated quantity of Ammunition, item nos. 4-8, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 31, 2001, pursuant to the authority of Ordinance No. 646-92, which was passed by Cleveland City Council on June 1, 1992, which on the basis of the estimated quantity would amount to Twenty Six Thousand, Six Hundred Fourteen and 00/100 Dollars (\$26,614.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 102947

as specified, which shall be certified against such contract in the sum of Six Thousand, Two Hundred Ten and 00/100 Dollars (\$6,210.00).

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: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Patterson.

Resolution No. 744-01.

By Director Miller.

Resolved by the Board of Control of the City of Cleveland, that all bids received on May 23, 2001, for the rental of covered golf carts for the Division of Recreation, Department of Parks, Recreation and Properties pursuant to the authority of Ordinance No. 80-01 passed by the Council of the City of Cleveland on April 9, 2001 be and the same are hereby rejected.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren and Alexander.

Nays: None.

Absent: Mayor White and Director Patterson.

Resolution No. 745-01.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 1226-01, passed by the Council of the City of Cleveland, on July 18, 2001, the Commissioner of Purchases and Supplies and the Director of Community Development, as appropriate, are authorized on behalf of the City, to execute and deliver a contract for Sale with the U.S. Department of Housing and Urban Development to purchase certain real property and improvements thereon including a Housing Assistance Payment ("HAP") contract, tenant leases and other personal property related thereto, commonly referred to as Rainbow Terrace Apartments (collectively, the "Property") which is further identified as Permanent Parcel Nos. 125-15-003, 125-15-004, 125-15-005; and

Whereas, Vesta-Cleveland LLC (the "Developer"), has offered to purchase the Property from the City and to redevelop the property as a family housing complex containing 484 affordable living units, together with related and supporting facilities, at an estimated total development cost of approximately \$64,000,000; and

Whereas, said Ordinance No. 1226-01, authorized the disposition of the Property by negotiation to the Developer, subject to the approval of the Board of Control; and

Whereas, pursuant to the authority of Ordinance No. 1226-01, passed July 18, 2001, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property no longer needed for public use and identified as Permanent Parcel No. 125-15-002 to Developer; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1226-01, passed by the Council of the City of Cleveland on July 18, 2001, the Commissioner of Purchases and

Supplies is hereby directed to sell Permanent Parcel No. 125-15-002 and the Property to the Developer. The consideration to be paid for said property is hereby fixed at Ten Dollars (\$10.00), which amount is determined to be not less than fair market value.

Be it further resolved that the Mayor, the Director of Community Development and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed or deeds of the City of Cleveland conveying said property which documents shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren, Alexander and Patterson.

Nays: None.

Absent: Mayor White.

Resolution No. 746-01.

By Director Warren.

Whereas, Resolution No. 425-01, as amended by Resolution No. 441-01, adopted by this Board of Control on June 27, 2001 and July 11, 2001 respectively, directed the Commissioner of Purchases and Supplies to sell certain City-owned property no longer needed for public use and located at 4310 Carnegie Avenue to JKJ Realty, Ltd. and fixed the consideration for such parcel at One Million Eight Hundred Thousand Dollars (\$1,800,000); and

Whereas, after negotiation with the potential buyer, the consideration for said property has been changed to One Million Six Hundred Twenty Thousand (\$1,620,000); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 425-01, adopted by this Board of Control on June 27, 2001, as amended by Resolution No. 441-01, adopted July 11, 2001, is hereby amended by changing the consideration to One Million Six Hundred Twenty Thousand (\$1,620,000), which amount is determined to be not less than fair market value.

Be it further resolved that all other terms of Resolution Nos. 425-01 and 441-01 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carr, Clark, Acting Director Brown, Director Shepherd, Acting Director DeVaul, Director Whitlow, Acting Director Smith, Directors Miller, Hudecek, Warren, Alexander and Patterson.

Nays: None.

Absent: Mayor White.

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, OCTOBER 29, 2001

9:30 A.M.

Calendar No. 01-243: Appeal of Ronnie R. Hill

Ronnie R. Hill appeals under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 of the Codified Ordinances from being denied, upon the recommendation of Martin Flask, Chief of the Cleveland Police Division, a handgun registration and a handgun owner's identification card as filed for on July 19, 2001.

Calendar No. 01-246: 16405 Trafalgar Avenue (Ward 11)

Henry Masten, owner, appeals to change the use of an existing 2-dwelling unit house situated on a 40' x 140' parcel into 3 dwelling units 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 three-family Residence is not allowed in a Two-Family District but first allowed in a Multi-Family District as stated in Section 337.08 and contrary to the Off-Street Parking and Loading Requirements of Section 349.01 where 3 parking spaces are required and 1 is proposed 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 proposed and contrary to the Yards and Courts Requirements of Section 357.09(b)(2)(c) where an 8' interior side yard is proposed and 10' is required and contrary to the existing nonconforming use limitations as stated in Section 359.01(a) of the Codified Ordinance.

Calendar No. 01-247: 6415 West Clinton Avenue (Ward 17)

Benny Presbyterian Church, owner, c/o John Rakauskas, agent, appeals to expand the use of an existing one-story masonry Church building into a Church and day-care all situated on an approximate 97' x 121' corner parcel located in a General Retail Busi-

ness District on the south side of West Clinton Avenue at 6415 West Clinton Avenue; said expansion being contrary to the Business District Requirements of Section 343.11 where as regulated down to a One-Family District (Section 337.02(e)(f)(3)), respectfully, where a Church is required to be 15' from an adjoining premises in residence and a day-care is required to be 30' from an adjoining premises not used for similar purpose and the proposed expansion abuts a Two-Family District, and contrary to the Landscaping and Screening Requirements of Section 352.10 where a 6' wide transition strip is required along West Clinton Avenue and West 65th Street between the parking lot and the street and contrary to the expansion of non-conforming use limitations as stated in Section 359.01(a) of the Codified Ordinance.

Calendar No. 01-261: 5909 Hosmer Avenue (Ward 12)

Cynthia Mazza, owner, appeals to install approximately 60 linear feet of 6' high wood privacy fencing with a gate to the east of a 31' x 130' parcel located in a Two-Family District on the north side of Hosmer Avenue at 5909 Hosmer Avenue; said installation being contrary to the Fence Regulations where a 6' high fence is proposed and the maximum height of fencing permitted running parallel to the neighboring house is 3' as stated in Section 358.04(a) of the Codified Ordinance.

Calendar No. 01-279: 5811 Archmere Avenue (Ward 16)

Shelley Patena, owner, appeals to construct a 25' x 48' one-story frame accessory garage to the south of an approximate 45' x 232' irregular shaped parcel located in a B-1 Two-Family District on the south side of Archmere Avenue at 5811 Archmere Avenue; said construction being contrary to the Residential District Requirements of Section 337.23(a) where the distance of the accessory garage to the property line is required to be 18" and 12" is proposed and a 1,120 sq. ft. garage is allowed and a 1,200 sq. ft. garage is proposed and Residential accessory garages shall not exceed 650 sq. ft. unless the lot area exceeds 4,800 sq. ft. as stated in Section 337.23(7)(a) of the Codified Ordinance.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 15, 2001

At the meeting of the Board of Zoning Appeals on Monday, October 15, 2001, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 01-221: 2186 West 5th Street

Bridge Avenue Development, owner, c/o Dave Mitchell appealed to construct a 20' x 40' two-family dwelling house situated on a 25' x 100'

parcel located in a Multi-Family District.

Calendar No. 01-222: 512 Literary Road

Bridge Avenue Development, owner, c/o Brian McCreary appealed to construct a 20' x 40' two-family dwelling house and a 20' x 20' detached garage on a 25' x 100' parcel in a Multi-Family District.

Calendar No. 01-223: 512 1/2 Literary Road

Bridge Avenue Development, owner, c/o Brian McCreary appealed to construct a 20' x 20' detached garage on a 25' x 100' parcel in a Multi-Family District.

The following appeal was **Withdrawn:**

Calendar No. 01-276: 9508 St. Clair Avenue

Evening Star Missionary Baptist Church, owner, c/o India Lee, agent appealed to construct a parking lot for 58 vehicles located in a Local Retail Business District.

The following appeals were **Postponed:**

Calendar No. 01-228: 2016 West 10th Street postponed to November 5, 2001.

Calendar No. 01-219: 4200-4201 Jennings Road postponed to October 22, 2001.

Calendar No. 01-220: 4200-4201 Jennings Road postponed to October 22, 2001.

The following appeal was heard on Monday October 8, 2001, and said decision was approved and adopted by the Board on October 15, 2001:

The following appeal was **Approved:**

Calendar No. 01-244: 20920 Brookpark Road

City of Cleveland and Specialty Restaurants appeal to construct a new 2-story restaurant in a Semi-Industry District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
October 10, 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 L-17-01.

RE: Appeal of Edward J. Gavin Sr., appeals from a LETTER OF

DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated September 4, 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 permit Mr. Gavin to renew his JOURNEYMAN PLUMBER LICENSE without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket L-18-01.

RE: Appeal of Joel E. Reynolds, appeals from a LETTER OF DENIAL FOR RENEWAL OF MOTION PICTURE OPERATOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated August 16, 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 permit Mr. Reynolds to renew his MOTION PICTURE OPERATOR LICENSE without retaking the test and without payment of the late filing fees, recognizing the mail situation. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

* * *

Docket A-110-01.

RE: Appeal of MatJac, Inc., Owner of the Property located on the premises known as 8401 Almira Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated June 14, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in four (4) weeks (November 7, 2001)

* * *

Docket A-128-01.

RE: Appeal of Franklin Boulevard Nursing Home, Owner of tile Nursing Home located on the premises known as 3600 Franklin Boulevard from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated June 2, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date, the docket will be rescheduled in four (4) weeks (November 7, 2001)

* * *

Docket A-134-01.

RE: Appeal of Victor Pavlovic, Owner of the Two & One/half Story Frame Two Family Residential Property located on the premises known as 6009 Belford Avenue from a 30 DAY CONDEMNATION ORDER

— MS of the Commissioner of the Division of Building and Housing dated July 24, 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 modify the Commissioner's 30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to obtain all permits and begin abatement of the violations within thirty (30) days from today (October 10, 2001). Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-135-01.

RE: Appeal of Union Beverage and Deli., Inc., Owner of the Property located on the premises known as 12408 Union Avenue from an ORDER TO VACATE of the Commissioner of the Division of Building and Housing, dated August 16, 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 REMAND the property at 12408 Union Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-136-01.

RE: Appeal of M & M Braun Associates, Owner of the Property located on the premises known as 13000 Triskett Road from a NOTICE OF VIOLATION — FIRE CODE dated August 8, 2001 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 13000 Triskett Road to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-137-01.

RE: Appeal of Charles C. Pearson, Owner of the Property located on the premises known as 4815 Lexington Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 23, 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 REMAND the property at 4815 Lexington Avenue to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-140-01.

RE: Appeal of Monroe Perry & Bob Perry, Owners of the One Story Masonry Auto Repair Shop located on the premises known as 3540 West 117th Street from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated August 23, 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 three (3) months in which to abate all the violations on the property; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action, with the understanding that satisfactory progress will result in an "Extension Of Time" if required. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-147-01.

RE: Appeal of Harvey Oppman, Owner of the Property located on the premises known as 1002 Prospect Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated September 11, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-147-01 has been POSTPONED; to be rescheduled for November 7, 2001.

* * *

Docket A-151-01.

RE: Appeal of Denison Homes Corporation, General Contractors of the Connected Residential Frame Properties located on the premises known as 1209-15 West 69th Street from a NOTICE OF VIOLATION — ELECTRICAL of the Commissioner of the Division of Building and Housing dated August 2, 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 Article 370-29 and permit the conduit to remain in its semi-accessible condition, with the provision that a sticker be posted on the conduit stating the fact that the disconnect is outside the building and

must be locked open before accessing the wiring. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-152-01.

RE: Appeal of Malachi House, Owner of the Commercial Property located on the premises known as 2810 Clinton Avenue from a NOTICE OF VIOLATION — HVAC-R-3 CORRECT MECHANICAL of the Commissioner of the Division of Building and Housing, dated September 26, 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 and permit the facility to remain as constructed without the fire dampers at penetrations of the floors, noting that it would be an extreme hardship to retrofit the ducts with fire dampers at this time. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-153-01.

RE: Appeal of Jerry Szoka, Owner of The Grid Nightclub located on the premises known 1437 St. Clair Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing, dated September 25, 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 OBBC Table 2909.1 and to OAC 4101:2-59, Subsection 420.2 and permit the number of water closets to remain and as described in the letter dated October 2, 2001. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

EXTENSION OF TIME:

Docket A-18-01 — Kinsman Road Realty — 8701-19 Kinsman Road:

A motion is in order at this time to grant the Appellant a thirty (30) day "Extension Of Time" from this date (October 10, 2001), and to rescheduled the docket for November 21, 2001. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

APPROVAL OF RESOLUTIONS

Separate motions were entered by Mr. Saunders and seconded by Mr. Sullivan 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-77-01—CWC Industries, Inc.
- A-97-01—Edward Fields.
- A-98-01—Electroplating & Fabricating, Inc.
- A-106-01—EDEN.
- A-113-01—Manufacturers & Traders Co.
- A-118-01—Kay-Global.
- A-122-01—Long Beach Mortgage Company.
- A-124-01—George Katsikas.
- A-131-01—Richard E. Gadus, Sr.
- A-148-01—Yolanda Harris.
- A-150-01—Barney Janes.

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

* * *

APPROVAL OF MINUTES

Separate motions were entered by Mr. Sullivan 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):

September 26, 2001

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

EUGENE CRANFORD, JR.,
Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise

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

THURSDAY, OCTOBER 18, 2001

Elevator Maintenance at City Hall, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 297-01, passed by the Council of the City of Cleveland, April 19, 2001.

October 10, 2001 and October 17, 2001

FRIDAY, OCTOBER 19, 2001

Forensic Mapping System, 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.

Tire Recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 816-01, passed by the Council of the City of Cleveland, June 11, 2001.

October 10, 2001 and October 17, 2001

THURSDAY, OCTOBER 25, 2001

Rental of Laundry/Work Clothing, for the Various Division of City Government, Department of Finance, as authorized by Ordinance No. 1743-01.

THERE WILL BE A MANDATORY PRE-BID MEETING ON TUESDAY, OCTOBER 16, 2001 AT 1:00 P.M. AT 1300 LAKESIDE AVE.

October 10, 2001 and October 17, 2001

WEDNESDAY, OCTOBER 31, 2001

Various Spreader, Insert and Plow Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 367-01, passed by the Council of the City of Cleveland, April 9, 2001.

Galion Equipment Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 368-01, passed by the Council of the City of Cleveland, April 9, 2001.

Paper and Cloth Wipers, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 490-01, passed by the Council of

the City of Cleveland, April 9, 2001.

October 10, 2001 and October 17, 2001

THURSDAY, NOVEMBER 1, 2001

Telemetry System Installation, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2682-90.

THERE WILL BE A PRE-BID MEETING ON FRIDAY, OCTOBER 26, 2001 AT 10:00 A.M. AT 12302 KIRBY AVE. THERE WILL BE A REFUNDABLE FEE OF FIFTY (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

Labor and Materials to Maintain Printers and Purchase of Desktop Computer Printers, for the various divisions of City Government, as authorized by Ordinance No. 1056-01.

Hazardous Duty Mobile Robot, 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.

October 10, 2001 and October 17, 2001

FRIDAY, NOVEMBER 30, 2001

The Construction of the Consolidated Maintenance Facility at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

THERE WILL BE A NON-REFUNDABLE DEPOSIT OF TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A PRE-BID MEETING ON THURSDAY, OCTOBER 18, 2001 AT 10:00 A.M. TO 12:00 P.M., AT THE ENGINEERING BUILDING (PMT CONFERENCE ROOM), 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

October 10, 2001 and October 17, 2001

WEDNESDAY, OCTOBER 31, 2001

Landscape Maintenance For Various Divisions of the Department of Public Utilities, for the Division of Research, Planning and Development, Department of Public Utilities, as authorized by Ordinance No. 2104-01, passed by the Council of the City of Cleveland, March 19, 2001.

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

Labor and Materials Necessary to Repair and Replace Fire Hydrants, for the Division of Water Department of Public Utilities, as authorized by Ordinance No. 2100-2000 passed by the Council of the City of Cleveland, January 29, 2001.

Hazardous and Non-Hazardous Waste Disposal Services, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1867-2000, passed by the Council of the City of Cleveland, February 12, 2001.

October 17, 2001 and October 24, 2001

FRIDAY, NOVEMBER 2, 2001

Pre-Sort Mail Service, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 813-2000, passed by the Council of the City of Cleveland, June 19, 2000.

October 17, 2001 and October 24, 2001

WEDNESDAY, NOVEMBER 7, 2001

Fifteen (15) 25-Cubic Yards Refuse Packer Body Replacements, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000 and 99-01, passed by the Council of the City of Cleveland, October 30, 2000 and January 22, 2001.

Two (2) Cab/Chassis with Flat Bed Dump Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1264-01, passed by the Council of the City of Cleveland, June 19, 2001.

Key Cards, for the Various Divisions of City Government, Department of Port Control, as authorized by Ordinance No. 286-01, passed by the Council of the City of Cleveland, April 9, 2001.

Crown Water Tank Undersealing Repair, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 19, 2001.

THERE WILL BE A REFUNDABLE FEE OF TWO HUNDRED (\$200.00) DOLLARS IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER.

THERE WILL BE A PRE-BID MEETING ON OCTOBER 26, 2001 AT 10:00 A.M. AT THE CROWN WATERWORKS PLANT, 955 CLAGUE RD., WESTLAKE, OHIO TO BE FOLLOWED BY A WALK THROUGH OF THE SITE AT CROWN WATERWORKS PLANT.

October 17, 2001 and October 24, 2001

THURSDAY, NOVEMBER 8, 2001

Trucksters/Carts, for the Various Divisions of the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1205-2000, passed by the Council of the City of Cleveland, May 21, 2001.

Haulsters, for the Various Divisions of the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1205-2000 passed by the Council of the City of Cleveland, May 21, 2001.

cil of the City of Cleveland, May 21, 2001.

Collection of Deicing/Anti-Deicing Agents at Cleveland Hopkins International Airport, for the 2001-2006 Deicing Season, for the Various Divisions of City Government, Department of Port Control, as authorized by Ordinance No. 1124-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON OCTOBER 25, 2001 AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT IN THE ENGINEERING OFFICE CONFERENCE ROOM AT 19501 CARGO RD., CLEVELAND, OHIO 44135 AT 9:00 A.M.

October 17, 2001 and October 24, 2001

FRIDAY, NOVEMBER 9, 2001

Seven (7) Crew Cab/Chassis with Utility Service Body-Pipe Repair Truck, Large, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000 and 99-01 passed by the Council of the City of Cleveland, October 30, 2000 and January 22, 2001.

Automotive Parts and Supplies, for the Repair, Replacement and Maintenance of Airport Maintenance Vehicles and Equipment, for the Various Division of Port Control, as authorized by Ordinance No. 1003-01, passed by the Council of the City of Cleveland, June 19, 2001.

One (1) Ambulance, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1685-2000 and 99-01 passed by the Council of the City of Cleveland, October 30, 2000 and January 22, 2001.

October 17, 2001 and October 24, 2001

THURSDAY, NOVEMBER 15, 2001

Motor Vehicle Interior and Exterior Body Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1046-01, passed by the Council of the City of Cleveland, August 15, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON NOVEMBER 8, 2001 AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 17, 2001 and October 24, 2001

FRIDAY, NOVEMBER 16, 2001

Master Storm Water Pollution Prevention Plan Maintenance Services, for the Department of Port Control.

THERE WILL BE A PRE-QUALIFICATION MEETING ON OCTOBER 25, 2001 AT 10:00 A.M. AT PROGRAM MANAGEMENT TEAM OFFICE, AT 19501 FIVE POINTS, CLEVELAND, OHIO 44135.

October 17, 2001 and October 24, 2001

**Certified MBEs and FBEs
Reporting Period: Third Quarter, 2001**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) by the Mayor's Office of Equal Opportunity during the Second Quarter of 2001.

Company	MBE/FBE	Cerdate	Description
Abramo Construction, Inc.	FBE	9/23/2001	General contractor specializing in concrete work, culverts, site utilities, excavation, demolition, pre engineered buildings
Application Design Consultants	MBE	9/13/2001	Computer consulting services, sale of hardware and software as applicable to design; provide systems evaluation
Applied Laser Technologies	FBE	9/12/2001	Laser & inkjet printer sales, service and supplies
Arnold Group, The	MBE	8/20/2001	Dump trucking; hauling of excavating materials. Supplier of slag, gravel and limestone commercial lawn maintenance
Art Window Shade Company, The	FBE	7/12/2001	Interior window coverings
B.G. Trucking & Construction, Inc.	MBE	7/19/2001	Trucking, asphalt & concrete paving, milling, water main line construction. Supplier: brick, stone, gravel, aggregates, top soil, asphalt
BAT Associates, Inc.	MBE	7/17/2001	Engineering services: hazardous waste mgmt., environmental engineering, underground storage tank mgmt., hydraulic and water resource engineering, civil & structural engineering
Beaux Arts	FBE	7/9/2001	Art studio including portraits, murals, decorative painting, etc.
Bemba K Zones, PS & Associates	MBE	8/27/2001	Surveying and engineering services
Bernie Jenkins Engineering & Construction	MBE	8/22/2001	General contractor specializing in vinyl siding & shingle installation. Install centrifugal compressors and accessories carpentry, concrete and sewer work
Britt Business Systems, Inc.	MBE	9/11/2001	Supplier: Xerox copiers, fax machines & supplies; service for fax machines
Builders Square Construction Corp.	MBE	8/11/2001	General contractor specializing in rehab: roof and window repair, driveway prep, bathroom plumbing, garage repair, drywall, kitchen cabinet installation
C.J. Industrial Supply, Inc.	FBE	9/23/2001	Industrial supplies: i.e., hardware, fasteners, tools, pipe and fittings, garden, plumbing, abrasives, etc.
Calvin Singleton & Associates	MBE	7/25/2001	Architecture, planning and construction management
Chaves & Associates	FBE	9/27/2001	Document control management, contract administration, administrative and secretarial functions
Chem-Ty Environment, Inc.	MBE/FBE	7/25/2001	Asbestos mitigation, lead abatement, underground storage tank installer, environmental assessments & related services; contractor specializing in rehab, refit it, rehang doors, glass block, windows, ductwork, drywall, floors, pour concrete for walkways
City Blue Printing Co.	FBE	9/13/2001	Complete reproduction services including blueprints, reproductions, photo & display services, mounting, laminating, and finishing services
Coleman Trucking, Inc.	MBE	9/27/2001	Asbestos abatement contractor including consulting, inspection for encapsulation and removal: lead abatement, mechanical dismantling and interior racking
Commercial Tile & Stone, Inc.	FBE	8/26/2001	Furnish & install ceramic tile, quarry tile, pavers, marble & granite: handset stone only
Contract Surface Products, Inc.	FBE	8/26/2001	Interior design services
Cosmos Industrial Services, Inc.	FBE	9/4/2001	Industrial painting and sheeting
Customized Solutions, Inc.	FBE	8/8/2001	Computerized accounting software with support services
Daniel's Electric & Construction, Inc.	MBE	7/5/2001	General contractor doing business as electric contractor for heating, air conditioning, installation and repairs, including refrigeration

Debt Credit Services & Associates, Inc.	MBE/FBE	9/12/2001	Full service collection agency
Demps dba Quality Carriers	FBE	9/14/2001	Professional mail service
Designer Walls, Inc.	FBE	8/26/2001	Commercial painting and wallcovering contractor
English Concessions dba Fins & Feathers, Inc.	MBE	9/26/2001	Institutional and social catering: food distribution, concession management
Eric Shares Computer, Inc.	MBE	9/27/2001	Sales, service and support of computer hardware, software, training, networks, maintenance, repair and consultation
ESC Environmental Services	MBE	9/20/2001	Environmental testing
ETNA Parking	MBE	8/6/2001	Provide exclusive right, privilege & obligation of administrative, marketing and operational services of garage parking and surface lots
Firstech, Inc.	MBE	7/11/2001	Environmental analytical laboratory testing and research
Flame/J & L Courier, Inc.	MBE	9/11/2001	Delivery services, messenger services, freight expeditors
Forest City Erectors, Inc.	FBE	8/11/2001	General contractor specializing in crane services, rigging and steel erection
Future Unlimited, Inc.	FBE	9/5/2001	Permanent placement, recruitment and temporary staffing
Gateway Electric, Inc.	MBE	9/5/2001	Electrical contractor
Genley Transfer, Inc.	MBE	8/28/2001	General contractor specializing in demolition, Hauling by dump truck, supplier of aggregates
Gloria Lewis Trucking	MBE/FBE	8/3/2001	Flatbed hauling of coiled steel and other flatbed products
Haynes Manufacturing Company	FBE	9/15/2001	Manufacturing lubricants: pharmaceutical, food, cosmetics and other related industries
Identiphoto Company, Ltd.	FBE	7/13/2001	Sales & service of computer based & film based photo ID systems; ID cards & badges; all ID supplies; lobby & visitor management software; ID badging software
J.R. Construction Company	MBE	8/16/2001	General building contractor specializing in remodeling, renovation, concrete and masonry
Jay's Boom Trucking	MBE	7/26/2001	Boom trucking and material handling
Jones Equipment, Inc.	FBE	9/8/2001	Supplier of equipment, i.e., snow plows, salt spreaders, Alamo mowers, bus & truck bodies including complete service and parts
Kemron Environmental Services, Inc.	MBE	7/13/2001	Environmental testing & analysis: compliance, field sampling, NEPA services, groundwater & wastewater services, geo probe, engineering services and sampling
LEH, Inc.	MBE	7/14/2001	Commercial cleaning; large building, exterior & interior; detailed office cleaning (buffing, vac, steel cleaning, stairways); new home preparation interior cleaning (windows, floors)
Lito Trucking, Inc.	MBE/FBE	9/23/2001	Trucking: hauling and dumping services: supplier aggregates, stone, salt
M. Rivera Construction	MBE	9/23/2001	General contractor specializing in concrete work, pipe insulation and carpentry, interior demolition and construction clean-up
M.J. Industrial Supply	FBE	7/16/2001	Distributor of hardware, abrasives, nut and bolts
Mac Record & Management, Inc.	FBE	8/11/2001	Warehouse facility; storage and management of records
Management Security, Inc.	MBE	8/22/2001	Security services for housing developments, construction sites and private individuals
MAP International, Inc.	MBE	9/24/2001	General contractor specializing in installing vinyl siding, replace windows, steel security doors; porch ceilings: lead abatement; roofing and installation
McTech Corp., dba Tech Ready Mix	MBE	7/22/2001	General contractor highway, street construction, water, sewer, pipeline, construction, pavement marking, masonry, stone setting, concrete work, excavation, demolition, trucking, construction material supply, concrete products, ready mix concrete
MGL, Inc.	MBE	9/6/2001	Supplier: janitorial and cleaning supplies
Ming's Heating & Air Conditioning, Inc.	MBE	7/3/2001	General contractor specializing in rehab and heating, ventilation and air conditioning

Minority Electric Company	MBE/FBE	9/20/2001	Electrical contractor. supplier of electrical materials
Mohawk Re-Bar Services, Inc.	MBE	8/27/2001	Install and fabricate reinforcing bars
N. Pritchett Trucking	MBE	9/12/2001	Trucking: hauling of materials, asphalt
North American Mechanical	FBE	7/16/2001	Mechanical contractor/HVAC/temperature control
OCS Process Systems	FBE	9/15/2001	Engineering and installation of food process systems
Ohio Concrete Construction Co., Inc.	MBE	7/25/2001	Construction contractor specializing in structural concrete, floor slabs, building foundations, sidewalks and curbs
Ohio Diversified Services	FBE	8/3/2001	General contractor: site work, flagging, demolition, excavation, asphalt, concrete, steel erection, landscaping, painting, carpentry, construction management
Ozanne, Construction Co., Inc.	MBE	7/11/2001	General contractor; site facilities and management services; construction management; carpentry and general labor
P & L Industries, Inc.	FBE	9/12/2001	HVAC contractor
Patricia T. Hill, MBA	MBE/FBE	9/5/2001	Insurance: casualty, property, bonds, life, health, group annuities, risk management
Pheifer-LWD Printing and Publishing	MBE	9/12/2001	Printing, advertising, signs, copying, print media, reproduction
Phil & Partners Trucking Corp.	MBE	9/23/2001	Complete trucking: hauling, delivery and transfer service
Plantscaping, Inc.	FBE	8/26/2001	Interior plant and floral contracting and maintenance service
Polk Photography	MBE	9/14/2001	General photography services including stills, weddings, industrial, commercial, and editorials
Pollmet, Inc.	MBE	8/16/2001	Market analysis, survey research, polling, staff development, focus group studies
Polytech, Inc.	MBE	9/21/2001	Engineering mechanical, electrical, structural, environmental, transportation and civil engineering; consulting architectural, planning and construction management
Premium Technical Services	MBE	7/5/2001	Video inspection of sewer systems; inspection of construction projects; plan layouts with use of computers
Pro Construction	MBE	9/23/2001	General highway construction, paving, rigid, grading, site clearing, excavation, embankment, pavement removal, drainage & structures
PS Promotions	FBE	8/23/2001	Advertising and promotional items
R & R Waste Disposal, Inc.	MBE	8/14/2001	Waste disposal, recycling and consulting
Ramsay Construction Corporation	MBE	9/23/2001	General contractor specializing in painting, carpentry work (interior demolition & finishes, drywall, plastering, insulation, facilities support management
Renco Printing, Inc.	FBE	7/4/2001	Commercial printing
Robert P. Madison, Inc.	MBE	8/10/2001	Professional services: architectural; electrical, structural, and engineering
Ross-Tek Information Systems, Inc.	MBE	8/18/2001	Consulting and integration computer services including Windows NT, Novell Netware installation and configuration, cabling, project management and technical support services
Short Steel Erection, Inc.	MBE	8/20/2001	Contractor: reinforcing steel erection, structural steel erection & welding, and structural iron jobs
Singleton Construction Co.	MBE	8/8/2001	General contractor specializing in construction of new residences, buildings and renovations; also construction management
SMS Business Media, Inc.	FBE	9/15/2001	Supplier. custom business forms
Soehnen Piping Company, Inc.	FBE	8/29/2001	Commercial and industrial mechanical contractor, HVAC, process piping, fabrication
Star Glass and Fine Art-Bedford	MBE/FBE	7/25/2001	Glass repair, screen repair, framing & matting, table tops, mirrors, prints
Steward Supply & Construction Co., Inc.	MBE	9/3/2001	General contractor specializing in removal & installation of concrete steps, sidewalks, curbs, ramps; concrete & asphalt driveways; excavation; painting; underground sewer material, piping, fittings, pre-stressed concrete, manholes, catch basins.

Studio Graphique, Inc.	FBE	8/24/2001	Graphic design agency: corporate identity programs, environmental graphic, signage design, marketing campaigns, web design and promotional materials
Tal-Cut Company, Inc.	MBE/FBE	7/11/2001	Computer information management pertaining to technologies, supplying staffing; project management, administration, design, conversion and training
Teamor & Associates	MBE	8/2/2001	Law firm
TG Consulting	FBE	9/16/2001	Scheduling services for construction projects including highway and building
Tower City Title Agency, Inc.	FBE	8/26/2001	Title insurance, searches, filing of mortgage deeds & property reports, escrow
Triple Lady's Agency, Inc., dba T.L. Express	FBE	9/10/2001	Trucking: interstate and intrastate carrier
Tucker, Young, Jackson, Tull, Inc.	MBE	8/26/2001	Consulting engineers/designers: highway, electrical, mechanical, structural, civil, environmental, waste and water treatment
U.S. Utility Contractor Co., Inc.	FBE	7/4/2001	Electrical line distribution and construction; telephone line construction and distribution
Ultra Printing & Design, Inc.	FBE	9/9/2001	Design, advertising, typesetting, and printing
United Engineering Consultants	MBE	9/26/2001	Consulting engineering services and construction management in the fields of building design & bridge design and inspections
US Fire & Safety Company, Inc.	MBE	9/17/2001	Sales and service of fire protection equipment
Van Auken Akins Architects	FBE	9/12/2001	Architectural and interior design services
VanHala Industrial Inc.	FBE	8/26/2001	Supplier: digital & bubbler systems, dryers, filters, elements: provide ultrasonic inspection systems
Wester Communications Group	MBE/FBE	9/9/2001	Public relations
Western Waterproofing Co., Inc.	FBE	9/12/2001	Waterproofing, caulking, building and parking deck restoration contractor
Willie S. William, PhD., Inc.	MBE	7/19/2001	Psychological & educational assessments: test development, production & distribution, staff development & management training
Your Construction Co., LLC	MBE	8/16/2001	Commercial, residential and industrial painting

**MBEs/FBEs DELETED FROM OEO'S DATABASE
Second Quarter, 2001**

The attached firms, that were previously certified as a MBE and/or FBE, have been dropped from the MBE/FBE database. The firms listed were sent at least two (2) letters and elected not to re-certify for various reasons, including going out of business and changes in geographic location.

MBE/FBE	Company
FBE	BOB'S A-Team Associates, Inc
FBE	I M Ladder Sales Co.
FBE	Leader Electric Supply Company
FBE	McAuliffe and Gibson Graphics
FBE	Northern Title Agency, Inc.
FBE	O'Bryon, Larkman & Associate
FBE	Ressler Contracting Corporation
FBE	ServAll Maintenance, Inc.
MBE	2M Software Associates
MBE	Auto Body Builders, Inc.
MBE	Avon Exterminating Co.
MBE	Central Electric Supply Company
MBE	Chad Brown Co.
MBE	Clark's Transportation Service, Inc.
MBE	Cooper Landscaping, Inc.
MBE	Dynatech
MBE	Einnob Construction Co.
MBE	National Consulting & Business Systems, Inc.
MBE	Nav-Tech Industries, Inc.
MBE/FBE	Office Facility Management Corporation

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1881-01.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the stock transfer of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Ave., 1st Fl., Bsmt. & Patio, and repealing Res. No. 2328-2000 objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Ave., 1st Fl., Bsmt. and Patio by Res. No. 2328-2000 adopted by Council on December 18, 2000; and

Whereas, this Council wishes to withdraw its objection to the above stock transfer and consents to said stock transfer; and

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

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

Section 1. That objection to the stock transfer of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Ave., 1st Fl., Bsmt. & Patio, be and the same is hereby withdrawn and Res. No. 2328-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

Adopted October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1882-01.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Ave., 1st Fl., Bsmt. & Patio, and repealing Res. No. 1437-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Ave., 1st Fl., Bsmt. and Patio by Res. No. 1437-2000 adopted by Council on August 7, 2000; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a D2, D2X, D3, D3A and D6 Liquor Permit to 2000 Lakeside Ave., 1st Fl., Bsmt. and Patio, be and the same is hereby withdrawn and Res. No. 1437-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1883-01.

By Councilman Jones.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit to 4360 Lee Road, and repealing Res. No. 1608-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 Liquor Permit to 4360 Lee Road by Res. No. 1608-01, adopted by Council August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a C1 Liquor Permit to 4360 Lee Road, be and the same is hereby withdrawn and Res. No. 1608-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1884-01.

By Councilmen Jackson and Willis.

An emergency resolution opposing Ohio House Bill 386, prohibiting municipalities from enacting legislation to ban predatory lending.

Whereas, home rule powers grant municipalities the right to enact legislation for the health, safety and welfare of its citizens; and

Whereas, House Bill 386, recently introduced in the Ohio General Assembly, would prohibit municipalities from enacting ordinances regarding the regulation of loans and other forms of credit, thus preempting local predatory lending ordinances; and

Whereas, municipalities such as Cleveland have the right and obligation to protect its residents from the unscrupulous business practices of predatory lenders; and

Whereas, this Council is opposed to House Bill 386 and urges the Ohio General Assembly to vote in opposition to it; and

Whereas, this resolution constitutes an emergency measure provid-

ing 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 the Council of the City of Cleveland opposes Ohio House Bill 386 which would preempt the enactment of local regulations to prevent unscrupulous predatory lending practices and urges the members of the Ohio General Assembly to oppose such bill.

Section 2. That the Clerk of Council is hereby requested to forward a copy of this resolution to the Ohio Speaker of the House, members of Ohio delegation and to the President of the Ohio Municipal League.

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 October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1047-01.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for washing and waxing the motor vehicle fleet, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed 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 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 one year of the necessary items of labor and materials necessary for washing and waxing the motor vehicle fleet, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, 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 one year 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 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 16991)

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1143-01.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Oracle Service Industries for the acquisition of multi-server licenses, upgrades and technical support.

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

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

Section 1. That it is hereby determined that the within commodities and services are non-competitive and cannot be secured from any source other than Oracle Service Industries. Therefore, the Director of Public Utilities is hereby authorized to make a written contract with Oracle Service Industries for the acquisition of multi-server licenses, upgrades and technical support, for the various divisions of the Department of Public Utilities.

Section 2. That the costs for such commodities and services herein contemplated shall not exceed \$275,000 and shall be paid from Fund Nos. 52 SF 001 and 58 SF 001, Request No. 34003.

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1148-01.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to repair the plant sludge dome at Crown Water Treatment Plant, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following

items: labor and materials necessary to repair the plant sludge dome at Crown Water Treatment Plant, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall not exceed \$100,000.00 and shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, and from the funds or funds to which are credited proceeds of the sale of waterworks revenue bonds issued in the future which include this purpose, Request No. 34021.

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1159-01.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary for the design, production, printing and distribution of a 2001 consumer confidence report.

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, production, printing and distribution of a 2001 consumer confidence report. The consumer confidence report shall be produced in English and in Spanish, and to the extent practicable, in other languages.

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 costs for such services herein contemplated shall not exceed \$200,000.00 and shall be paid from Fund No. 52 SF 001, Request No. 33885.

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

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1351-01.
By Councilmen O'Malley and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with BancTec, Inc. for the maintenance of hardware and software of not to exceed two BancTec remittance processors and supporting equipment, including parts and labor, for the Division of Utilities Fiscal Control, Department of Public Utilities, for a period of one year, with a one year option 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than BancTec, Inc. Therefore, the Director of Public Utilities is hereby authorized to make a written contract with said BancTec, Inc. for the maintenance of hardware and software of not to exceed two BancTec remittance processors and supporting equipment, including parts and labor, for a one year term commencing upon execution of a contract, with one (1) option exercisable by the Director of Public Utilities, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Utilities Fiscal Control, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 50 SF 001, Request No. 877.

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1367-01.
By Councilman Melena.
An ordinance to change the Use District of lands bounded by West 58 Street, Aspen Court, N.W. and south of Side Avenue, N.W. (Map Change No. 2034, Sheet No. 1)

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

Section 1. That the Use District of lands bounded and described as follows,

Beginning at the intersection of the center line of West 58 Place and

the center line of Aspen Court, N.W.; thence southwesterly along said center line of Aspen Court, N.W. to the center line of West 58 Street; thence northwesterly along said center line of West 58 Street to its intersection with the southwesterly extension of the northwesterly line of Sublot No. 133 in the James M. Hoyt Allotment as recorded in Volume 3, Page 1 of the Cuyahoga County Map Records; thence northeasterly, northwesterly, northeasterly, and northerly along said northwesterly line of said Sublot No. 133 and along its northerly extension to the center line of Side Avenue, N.W.; thence easterly along said center line of Side Avenue, N.W. to the center line of West 58 Place, N.W.; thence southeasterly along said center line of West 58 Place to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to an RA-2 Townhouse District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2034, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1368-01.

By Councilman Melena.

An ordinance to change the Use District of lands located on the northeast corner of West 57 Street and Bridge Avenue, N.W. (Map Change No. 2035, Sheet No. 1)

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

Section 1. That the Use District of land bounded and described as follows,

Description of Bridge Square Townhouses No. 4 Lot Split

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 73 and all of Sublots Nos. 71 and 72 in the N. M. Standart's Subdivision, of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 1 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the intersection of the centerline of West 57th Street, 60 feet wide, and the centerline of Bridge Avenue N.W., 66 feet wide, at which point a 3/8" drill hole in a stone in a monument box found 0.20 feet South;

Thence South 89 degrees, 12 minutes, 55 seconds East, along the centerline of Bridge Avenue N.W., a distance of 30.00 feet, to the Easterly line of West 57th Street;

Thence North 0 degrees, 48 minutes, 15 seconds East, along the Easterly line of West 57th Street, a distance of 33.00 feet to a 5/8" capped (Reitz Eng) iron pin set on the Northerly line of Bridge Avenue, N.W. and the principal place of beginning;

Thence continuing North 0 degrees, 48 minutes, 15 seconds East, along the Easterly line of West 57th Street, a distance of 87.00 feet to a 5/8" capped (Reitz Eng) iron pin set at a Southwesterly corner of a parcel of land conveyed to Charles Summerson and Donna Davitt, by deed recorded in AFN 199905200677 of Cuyahoga County Records;

Thence South 89 degrees, 12 minutes, 55 seconds East, along a Southerly line of land so conveyed to Charles Summerson and Donna Davitt, passing through 5/8" capped (Reitz Eng) iron pins set at 23.32 feet and 38.99 feet, a distance of 50.00 feet to a 5/8" capped (Reitz Eng) iron pin set at an interior corner thereof;

Thence South 0 degrees, 48 minutes, 15 seconds West, along a Westerly line of land so conveyed to Charles Summerson and Donna Davitt, a distance of 7.00 feet to a 5/8" capped (Reitz Eng) iron pin set at a Southwesterly corner thereof;

Thence South 89 degrees, 12 minutes, 59 seconds East, along the most Southerly line of land so conveyed to Charles Summerson and Donna Davitt, passing through 5/8" capped (Reitz Eng) iron pins set at 4.66, 20.33 and 36.00 feet, a distance of 64.57 feet to a 5/8" capped (Reitz Eng) iron pins set on the Westerly line of the Benedict and Root Allotment, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records;

Thence South 0 degrees, 53 minutes, 55 seconds West, along the Westerly line of said Benedict and Root Allotment, a distance of 80.00 feet to a 5/8" capped (Reitz Eng) iron pin set on the Northerly line of Bridge Avenue, N.W.;

Thence North 89 degrees, 12 minutes, 59 seconds West, along the Northerly line of Bridge Avenue, N.W., passing through 5/8" capped (Reitz Eng) iron pins set at 28.41, 44.08, 59.75, 75.42, 91.09 feet, a distance of 114.44 feet to the principal place of beginning, and containing 0.2183 acres (9,510 square feet) of land according to a survey by The Henry G. Reitz Engineering Company, Stuart W. Saylor, Registered Surveyor No. S-8028, dated July, 2001, be the same more or less, but subject to all legal highways and easements of record.

All bearing are based on Bridge Avenue having a bearing of North 89 degrees, 12 minutes, 59 seconds West, and used to denote angles only.

and as outlined in red on the map hereto attached, be and the same is hereby changed to an RA-2 Townhouse District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2035, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1787-01.

By Councilmen Patmon and Lewis. An emergency ordinance to amend Sections 103.07 and 103.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1171-01, passed June 11, 2001, relating to the boundaries of Wards 7 and 8 of the City of Cleveland.

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 Sections 103.07 and 103.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1171-01, passed June 11, 2001, are hereby amended to read as follows:

Section 103.07 Ward Seven

The boundaries of Ward 7 shall be as follows:

Beginning at the intersection of the center line of east 45th Street and the center line of Superior Avenue, N.E.; thence southeasterly along the center line of East 45th Street to its intersection with the center line of Payne Avenue, N.E.; thence southwesterly along the center line of Payne Avenue, N.E. to its intersection with the center line of East 40th Street; thence southerly along the center line of East 40th Street to its intersection with the center line of Chester Avenue, N.E.; thence southwesterly along the center line of Chester Avenue, N.E. to its intersection with the center line of the Inner Belt Freeway; thence southerly along the center line of the Inner Belt Freeway to its intersection with the center line of Euclid Avenue; thence southwesterly along the center line of Euclid Avenue to its intersection with the center line of East 21st Street; thence southeasterly along the center line of East 21st Street to its intersection with the center line of Prospect Avenue, S.E.; thence northeasterly along the center line of Prospect Avenue, S.E. to its intersection with the center line of East 55th Street; thence northerly along the center line of East 55th Street to its intersection with the center line of Chester Avenue, N.E.; thence easterly along the center line of Chester Avenue, N.E. to its intersection with the center line of East 101st Street; thence northerly along the center line of East 101st Street to its intersection with the center line of Ansel Road, N.E.; thence northwesterly, northerly, along the centerline of Ansel Road, N.E. to its intersection with Mt. Sinai Drive thence easterly along the centerline of Mt. Sinai Drive to its intersection with the centerline of East 105th Street; thence northerly along the centerline of East 105th Street to its intersection with the centerline of Martin Luther King Blvd.; thence northwesterly along the centerline of Martin Luther King Blvd. To its intersection with the centerline of Wade Park Avenue N.E. thence westerly along the centerline of Wade Park Avenue to its intersection with Ansel Road N.E. thence northerly, northeasterly, northwesterly along the centerline of Ansel Road N.E. to its intersection with the center line of Bellevue Avenue, N.E.; thence westerly along the center line of Bellevue Avenue, N.E. to its intersection with the center line of East 79th Street; thence norther-

ly along the center line of East 79th Street to its intersection with the center line of Korman Avenue, N.E.; thence westerly along the center line of Korman Avenue, N.E. to its intersection with the center line of East 78th Street; thence southerly along the center line of East 78th Street to its intersection with the center line of Donald Avenue, N.E.; thence westerly along the center line of Donald Avenue, N.E. to its intersection with the center line of East 77th Street; thence northerly along the center line of East 77th Street to its intersection with the center line of Korman Avenue, N.E.; thence westerly along the center line of Korman Avenue, N.E. to its intersection with the center line of East 74th Street; thence northerly along the center line of East 74th Street to its intersection with the center line of St. Clair Avenue, N.E.; thence southwestward along the center line of St. Clair Avenue, N.E. to its intersection with the center line of East 70th Street; thence northerly along the center line of East 70th Street to its intersection with the center line of Machinery Avenue, N.E.; thence westerly along the center line of Machinery Avenue, N.E. to its intersection with the center line of East 69th Place; thence southerly along the center line of East 69th Place to its intersection with the center line of Arctic Court, N.E. (now vacated); thence westerly along the center line of Arctic Court, N.E. (now vacated) to its intersection with the center line of East 69th Street; thence southerly along the center line of East 69th Street to its intersection with the center line of Arctic Court, N.E.; thence westerly along the center line of Arctic Court, N.E. to its intersection with the center line of East 67th Street; thence southerly along the center line of East 67th Street to its intersection with the center line of St. Clair Avenue, N.E.; thence northeasterly along the center line of St. Clair Avenue, N.E. to its intersection with the center line of East 68th Street; thence southeasterly along the center line of East 68th Street to its intersection with the center line of Bliss Avenue, N.E.; thence westerly along the center line of Bliss Avenue, N.E. to its intersection with the center line of East 66th Street; thence northwestward along the center line of East 66th Street to its intersection with the center line of Bliss Avenue, N.E.; thence southwestward along the center line of Bliss Avenue, N.E. to its intersection with the center line of Addison Road, N.E.; thence southeasterly along the center line of Addison Road, N.E. to its intersection with the center line of Bonna Avenue, N.E.; thence southwestward along the center line of Bonna Avenue, N.E. to its intersection with the center line of Norwood Road, N.E.; thence southerly along the center line of Norwood Road, N.E. to its intersection with the center line of Superior Avenue, N.E.; thence westerly and southwestward along the center line of Superior Avenue, N.E. to the place of beginning.

Section 103.08 Ward Eight

The boundaries of Ward 8 shall be as follows:

Beginning at the point of intersection of the shore line of Lake Erie and the dividing line between the City of Cleveland and the City of Bratenahl; thence in a general

southwesterly direction along the irregular shore line of Lake Erie to its intersection with the northerly prolongation of the center line of East 55th Street; thence southerly along the northerly prolongation and the center line of East 55th Street to its intersection with the center line of the main line tracks of the CSX Railroad; thence northeasterly along the center line of the main line tracks of the CSX Railroad to its intersection with the center line of Addison Road, N.E.; thence southerly along the center line of Addison Road, N.E. to its intersection with the center line of St. Clair Avenue, N.E.; thence northeasterly along the center line of St. Clair Avenue, N.E. to its intersection with the center line of East 67th Street; thence northerly along the center line of East 67th Street to its intersection with the center line of Arctic Court, N.E.; thence easterly along the center line of Arctic Court, N.E. to its intersection with the center line of East 69th Street; thence northerly along the center line of East 69th Street to its intersection with the center line of Arctic Court, N.E. (now vacated); thence easterly along the center line of Arctic Court, N.E. (now vacated) to its intersection with the center line of East 69th Place; thence northerly along the center line of East 69th Place to its intersection with the center line of Machinery Avenue, N.E.; thence easterly along the center line at Machinery Avenue, N.E. to its intersection with the center line of East 70th Street; thence southerly along the center line of East 70th Street to its intersection with the center line of St. Clair Avenue, N.E.; thence northeasterly along the center line of St. Clair Avenue, N.E. to its intersection with the center line of East 74th Street; thence southerly along the center line of East 74th Street to its intersection with the center line of Korman Avenue, N.E.; thence easterly along the center line of Korman Avenue, N.E. to its intersection with the center line of East 77th Street; thence southerly along the center line of East 77th Street to its intersection with the center line of Donald Avenue, N.E.; thence easterly along the center line of Donald Avenue, N.E. to its intersection with the center line of East 78th Street; thence northerly along the center line of East 78th Street to its intersection with the center line of Korman Avenue, N.E.; thence easterly along the center line of Korman Avenue, N.E. to its intersection with the center line of East 79th Street; thence southerly along the center line of East 79th Street to its intersection with the center line of Bellevue Avenue, N.E.; thence easterly along the center line of Bellevue Avenue, N.E. to its intersection with the center line of Ansel Road, N.E.; thence southeasterly, southwestward, southerly along the center line of Ansel Road, N.E. to its intersection with the centerline of Wade Park Avenue, N.E.; thence easterly along the centerline of Wade Park Avenue, N.E. to its intersection with the centerline of Martin Luther King Blvd.; thence southeasterly along the centerline of Martin Luther King Blvd. to its intersection with the centerline of East 105th Street; thence southerly along the centerline of East 105th Street to its intersection with the centerline of Mt. Sinai Drive; thence westerly along the

centerline of Mt. Sinai Dr. to its intersection with the centerline of Ansel Road, N.E.; thence southeasterly along the centerline of Ansel Road, N.E. to its intersection with the center line of East 101st Street; thence southerly along the center line of East 101st Street to its intersection with the center line of Euclid Avenue; thence easterly along the center line of Euclid Avenue to its intersection with the center line of East 105th Street; thence northerly along the center line of East 105th Street to its intersection with the center line of Park Lane Avenue, N.E.; thence easterly along the center line of Park Lane Avenue, N.E. to its intersection with the center line of Stokes Boulevard, N.E.; thence southerly along the center line of Stokes Boulevard, N.E. to its intersection with the center line of Euclid Avenue; thence easterly and northeasterly along the center line of Euclid Avenue to its intersection with the center line of East Boulevard, N.E.; thence northerly, northeasterly, northerly and northwesterly along the center line of East Boulevard, N.E. to its intersection with the center line of Hazel Drive, N.E.; thence northeasterly and northerly along the center line of Hazel Drive, N.E. to its intersection with the center line of Magnolia Drive, N.E.; thence southeasterly along the center line of Magnolia Drive, N.E. to its intersection with the center line of Mistletoe Drive, N.E.; thence northerly along the center line of Mistletoe Drive, N.E. to its intersection with the center line of Wade Park Avenue, N.E.; thence westerly along the center line of Wade Park Avenue, N.E. to its intersection with the center line of East 105th Street; thence northerly along the center line of East 105th Street to its intersection with the centerline of Ashbury Avenue, N.E.; thence northwesterly along the center line of Churchill Avenue, N.E. to its intersection with the center line of East 108th Street; thence northerly along the center line of East 108th Street to its intersection with the center line of Hull Avenue, N.E.; thence northeasterly along the center line of Hull Avenue, N.E. to its intersection with the center line of East 110th Street; thence northerly along the center line of East 110th Street to its intersection with the center line of Superior Avenue, N.E.; thence continuing northerly along the center line of Parkwood Avenue, N.E. to its intersection with the center line of Primrose Avenue, N.E.; thence easterly along the center line of Primrose Avenue, N.E. to its intersection with the center line of Linn Drive, N.E.; thence northerly along the center line of Linn Drive, N.E. to its intersection with the center line of Tuscora Avenue, N.E.; thence easterly along the center line of Tuscora Avenue, N.E. to its intersection with the center line of Lakeview Road, N.E.; thence northerly along the center line of Lakeview Road, N.E. to its intersection with the center line of St. Clair Avenue, N.E.; thence northerly along the center line of East 110th Street to its intersection with the southwestward extension of the center line of Hazel Dell Road, N.E.; thence northeasterly along the center line of the southwestward extension of Hazel Dell Road, N.E. to its intersection with the center line of Dundee Drive, N.E.; thence northwesterly along the prolongation of the center

line of Dundee Drive, N.E. to its intersection with the dividing line between the City of Cleveland and the City of Bratenahl; thence southwesterly and northerly along the dividing line between the City of Cleveland and the City of Bratenahl to the place of beginning.

Section 2. That existing Sections 103.07 and 103.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1171-01, passed June 11, 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 October 8, 2001, notwithstanding the Veto of the Mayor.
Effective October 9, 2001.

Ord. No. 1819-01.
By Councilmen Jackson and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a Heritage Home Loan Program Agreement with the Cuyahoga County Treasurer and other related matters.

Whereas, pursuant to Ohio Revised Code Section 135.80, the Cuyahoga County Treasurer (the "Treasurer") on behalf of Cuyahoga County, Ohio (the "County") has established a linked deposit low-interest loan program relating to historic properties referred to as the Cuyahoga County Treasurer's Heritage Home Loan Program (the "Heritage Home Loan Program") with the Cleveland Restoration Society, a non-profit historic preservation organization and KeyBank National Association ("KeyBank"), as the lending institution, for the purpose of enhancing historic properties throughout the County; and

Whereas, the City of Cleveland (the "City") has determined to participate in the Heritage Home Loan Program; and

Whereas, through the Heritage Home Loan Program, KeyBank will provide low-interest loans to eligible borrowers for certain housing repairs and improvements (each a "Heritage Linked Deposit Loan"); and

Whereas, in order for the historic dwellings in the City to be eligible to participate in the Heritage Home Loan Program, the City must execute a Participating Community Heritage Home Loan Program Agreement (the "Loan Agreement") with the County Treasurer whereby the City agrees to perform program monitoring for Heritage Linked Deposit Loans made to its residents; 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 Community Development is hereby authorized to execute a Participating Community Heritage Home Loan Program Agreement pursuant

to the Ohio Revised Code, whereby the City will perform program monitoring for Heritage Linked Deposit Loans made to its residents.

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 October 15, 2001.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1872-01.
By Councilman Cimperman.
An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1132-01 passed August 15, 2001, relating to an agreement with the St. Clair Superior Neighborhood Development Association.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1132-01 passed August 15, 2001 are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with St. Clair Superior Neighborhood Development Association for their Neighborhood Safety Video Monitoring program in order to carry out the public purpose of providing increased safety and security through the use of Ward 13 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with St. Clair Superior Neighborhood Development Association for their Neighborhood Safety Video Monitoring program in order to carry out the public purpose of providing increased safety and security through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the existing Title and Section 1 of Ordinance No. 1132-2001 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 October 15, 2001.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1873-01.
By Councilmen Britt and Willis.
An emergency ordinance consenting and approving the issuance of a permit for a Footrace on October 28, 2001, sponsored by Hermes Race Systems.

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

a municipal department; now, therefore,

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a Footrace sponsored by Hermes Race Systems on October 28, 2001, starting at Adelbert to Euclid, Euclid to Mayfield, Mayfield to Random, Random to Cornell, Cornell to Circle Drive, Circle Drive to Adelbert and repeat the course twice, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed October 15, 2001.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1874-01.
By Councilman Coats.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Board of Education/Collinwood High School to stretch banners around Collinwood High School, at East 152nd Street & St. Clair, for the period from October 10, 2001 to November 10, 2001, inclusive, publicizing the school's beautification.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Board of Education/Collinwood High School to stretch banners around Collinwood High School, at East 152nd Street & St. Clair, for the period from October 10, 2001 to November 10, 2001, inclusive, publicizing the school's beautification. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said

banner shall be removed promptly upon the expiration of said permit.

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1875-01.
By Councilman Johnson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Delores Castor)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 4: Delores Castor.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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

Passed October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1876-01.
By Councilman Polensek.
An emergency ordinance authorizing the Clerk of Council to dispose of excess computer equipment and software.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976 to

the contrary, the Clerk of Cleveland City Council may dispose of outdated, excess computer equipment and software, provided that it is at least 3 years old, through donating such excess equipment and software to non-profit organizations located in the City of Cleveland. Prior to donating the items, the Clerk of Council shall publish a schedule of items to be donated and the identity of the intended done in the City Record.

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 October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1877-01.
By Councilman Rybka.
An emergency ordinance changing the name of Joseph M. Kowalski Park to Morgana Park, and naming diamond one at the park as the Joseph M. Kowalski Field.

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 name of Joseph M. Kowalski Park shall be hereafter changed to Morgana Park, and diamond one located thereat be named the Joseph M. Kowalski Field, and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to affect said name changes and to post the proper signs.

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 October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1878-01.
By Councilmen White and Patmon (by departmental request).
An emergency ordinance approving the collective bargaining agreement with Stage Employees Local 27 of the International Alliance of Theatrical Stage Employees.

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 Stage Employees Local 27 of the International Alliance of Theatrical Stage Employees which contains the terms set forth in File No. 1878-01-A, for

the period from April 1, 2001 through March 31, 2004, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

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 October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1879-01.
By Councilmen White and Patmon (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Sign Display and Allied Trades Local Union 639 of Ohio of the International Brotherhood of Painters and Allied Trades.

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 Sign Display and Allied Trades Local Union 639 of Ohio of the International Brotherhood of Painters and Allied Trades which contains the terms set forth in File No. 1879-01-A, for the period from April 1, 2001 through March 31, 2004, which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

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 October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1880-01.

By Councilmen White and Patmon (by departmental request).

An emergency ordinance to amend Sections 13, 21, 42, 43, 47 and 50 of Ordinance No. 1562-01, passed August 15, 2001, 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 Sections 13, 21, 42, 43, 47 and 50 of Ordinance No. 1562-01, passed August 16, 2001, are hereby amended to read, respectively, as follows.

Section 13. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Sign Painter.....	\$23.23 per hour	\$27.31 per hour
2. Sign Painter Unit Leader.....	\$24.23 per hour	\$28.31 per hour
3. Spray Painter.....	\$20.83 per hour	\$24.88 per hour
4. Traffic Sign and Marking Supervisor.....	\$13.28 per hour	\$21.73 per hour
5. Traffic Sign Process Operator.....	\$13.28 per hour	\$21.73 per hour

Section 21. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Emergency Medical Dispatcher (Probationary).....	\$ 8.70 per hour	\$ 8.70 per hour
2. Emergency Medical Dispatcher.....	\$24,765.24	\$34,091.62
3. Emergency Medical Technician.....	\$26,336.35	\$39,296.16

Section 42. Part-Time/Seasonal Group

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

	Minimum	Maximum
1. Box Office Cashier.....	\$10.33 per hour	\$13.97 per hour
2. Chaplain.....	\$ 8.20 per hour	\$11.04 per hour
3. Checker.....	\$ 8.20 per hour	\$ 8.70 per hour
4. Conservation Aide.....	\$ 8.20 per hour	\$ 8.70 per hour
5. Dentist.....	\$13.38 per hour	\$27.48 per hour
6. Head Usher.....	\$ 8.20 per hour	\$10.91 per hour
7. Medical Examiner.....	\$21.40 per hour	\$56.36 per hour
8. Organ Tuner.....	\$ 9.63 per hour	\$24.11 per hour
9. Park Maintenance Aide.....	\$ 8.20 per hour	\$ 8.70 per hour
10. Ranger.....	\$ 8.20 per hour	\$10.77 per hour
11. School Crossing Guard.....	\$25.00 per day	\$25.00 per day
12. Section Supervisor.....	\$ 8.20 per hour	\$ 8.70 per hour
13. Snow Removal Vehicle Operator.....	\$10.40 per hour	\$13.56 per hour
14. Stage Hand.....	\$19.11 per hour	\$25.40 per hour
15. Stage Hand Casual.....	\$20.60 per hour	\$25.08 per hour
16. Stage Hand - Show Rate.....	\$64.89 per show	\$83.45 per show
17. Student Aide.....	\$ 8.20 per hour	\$ 8.70 per hour
18. Student Assistant.....	\$ 8.20 per hour	\$ 8.70 per hour
19. Usher.....	\$ 8.20 per hour	\$ 8.70 per hour
20. Usher Captain.....	\$ 8.20 per hour	\$ 8.70 per hour

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:

	Effective Date	Minimum	Maximum
1. Asbestos Worker.....	5-1-01	\$30.18	\$37.73
2. Asphalt Construction Foreman.....	5-1-00	20.10	30.15
3. Asphalt Raker.....	5-1-00	19.27	28.91
4. Asphalt Tamper.....	5-1-00	19.27	28.91
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.....	5-1-00	19.79	29.69
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.....	5-1-00	19.70	29.55
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.....	8-1-01	30.22	37.78
25.	Ironworker Foreman.....	8-1-01	31.47	38.78
26.	Jackhammer Operator.....	5-1-00	19.27	28.91
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.....	5-1-00	19.54	29.31
33.	Paving Foreman.....	5-1-00	20.10	30.15
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.....	5-1-00	20.10	30.15

Section 47. Division of Police; Patrol Officers

The annual salaries of persons appointed to the ranks of patrol officer shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum
1. Patrol Officer I.....	\$43,093.84	\$43,593.84
2. Patrol Officer II.....	39,379.83	39,379.83
3. Patrol Officer III.....	38,879.83	38,879.83
4. Patrol Officer IV.....	37,879.83	37,879.83
5. Trainee.....	\$8.70 per hour	\$8.70 per hour

Section 50. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum
1. Battalion Chief.....	\$69,586.80	\$70,086.80
2. Captain.....	59,919.67	60,419.67
3. Lieutenant.....	51,585.92	52,085.92
4. Firefighter		
Journeyman.....	44,401.65	44,901.65
Apprentice - Medic III.....	40,516.22	40,516.22
Apprentice - Medic II.....	40,016.22	40,016.22
Apprentice - Medic I.....	39,016.22	39,016.22
Trainee.....	\$ 8.70 per hour	\$ 8.70 per hour

Section 2. That existing Sections 13, 21, 42, 43, 47 and 50 of Ordinance No. 1562-01, passed August 16, 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 October 15, 2001.

Awaiting the approval or disapproval of the Mayor.

**COUNCIL COMMITTEE
MEETINGS**

Monday, October 15, 2001

Finance Committee: 2:00 p.m. — Present: Patmon, Chairman; Rybka,

Vice Chairman; Britt, Cintron, Dolan, Lewis, O'Malley, Polensek, Sweeney, White. Excused: Melena.

Tuesday, October 16, 2001

Community and Economic Development Committee: 9:30 a.m. — Present: Jackson, Chairman; Lewis,

Vice Chairman; Brady, Cimperman, Cintron, Johnson, Willis. Excused: Jones, Melena.

Public Health Committee: 1:00 p.m.

— Present: Gordon, Chairman; Brady, Vice Chairman; Jackson, Reed, Westbrook. Excused: Cimperman, Willis.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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