

# The City Record

Official Publication of the City of Cleveland

October the Thirty-First, Two Thousand and One

<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Michael D. Polensek	
<b>Clerk of Council</b>	
Ruby F. Moss	
<b>Ward</b>	<b>Name</b>
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE

President of Council—Michael D. Polensek

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3232 East 119th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	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

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

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

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

Frank Badalamenti, Manager, Internal Audit  
 DIVISIONS – Accounts – Marilyn Henderson, Commissioner, Room 19  
 City Treasury – Algeron Walker, Treasurer, Room 115  
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
 Purchases and Supplies – Myrna Branche, Commissioner, Room 128  
 Printing and Reproduction – Diante 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  
 Water – Julius Ciaccia, Jr., Commissioner  
 Water Pollution Control – Darnell Brown, Commissioner  
 Utilities Fiscal Control – Morry Blech, Commissioner  
 Cleveland Public Power – James F. Majer, Commissioner  
 Street Lighting Bureau – Frank Schilling, Acting Chief.

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

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

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

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

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

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

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

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

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

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

Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium,  
 E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Commissioner, Public  
 Auditorium – E. 6th & Lakeside.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MORAL CLAIMS COMMISSION – Law Director Pinkey S. Carr; Chairman;  
 Finance Director Kelly Clark; Council President Michael D. Polensek;  
 Councilman Bill Patmon; Councilman Martin J. Sweeney.

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Richard Schanfarber,  
 Chairman; Paul Volpe, Vice Chairman; N. Kurt Wiebush, James Gibans,  
 Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein,  
 Randall Shorr, Councilman Joseph Cimperman, Councilman Timothy J.  
 Melena, Robert Keiser, Executive Secretary.

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

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

Earle B. Turner – Clerk of Courts, 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 31, 2001

No. 4586

## CITY COUNCIL

MONDAY, OCTOBER 29, 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 29, 2001.

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

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

Also present were Mayor White and Directors Carr, Sheperd, Whitlow, Guzman, Miller, Hudecek, Warren, Alexander, McCall, Ambroz, Patterson 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. Jesse Harris, Pastor of Tabernacle Baptist Church, located at 2042 West 26th Street in Ward 14. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 1997-01.**  
From the Department of Public Utilities, Division of Water — 2000 Annual Report. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

**File No. 1998-01.**  
Re: New Application — 9821036 — Yasini, Inc., 11700 St. Clair Avenue. (Ward 9). Received.

**File No. 1999-01.**  
Re: Transfer of Location Application — McCormick & Associates, Inc. d.b.a. Grid, 1437 St. Clair Avenue. (Ward 13). Received.

**File No. 2000-01.**  
Re: Transfer of Ownership Application — 6548659 — 11701 St. Clair, Inc. d.b.a. Sam's Mini Mart, 11701 St. Clair Avenue. (Ward 9). Received.

#### File No. 2001-01.

Re: Transfer of Ownership Application — 9116351 — 2139 Broadview, Inc. d.b.a. Last Chance Saloon, 2139 Broadview Road, 1st floor & basement. (Ward 15). Received.

#### File No. 2002-01.

Re: Stock Transfer Application — 8530551 — Settlers Downunder, Inc. d.b.a. Funky Buddha, 1360 W. Ninth Street, first floor and basement, Suite 100. (Ward 13). Received.

#### STATEMENT OF WORK ACCEPTED

#### File No. 2003-01.

From the Department of Public Safety, Division of Architecture — Contract No. 57778, Masonry Repair, Replacement and Restoration at Various City Fire and Police Stations. Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 2004-01**—Ralph W. Muntz.  
**Res. No. 2005-01**—Edith M. Allen Gaines.

**Res. No. 2006-01**—Lawrence G. Farrow.

**Res. No. 2007-01**—Walter Scott Spencer.

**Res. No. 2008-01**—Richard Lowe.  
**Res. No. 2009-01**—Kathleen Finerty.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 2010-01**—The Call & Post Newspaper.

**Res. No. 2011-01**—Victoria Marie Pannetti Miller.

**Res. No. 2012-01**—Cleva L. Webster.  
**Res. No. 2013-01**—Rev. L. Pearl Shields.

**Res. No. 2014-01**—Rev. Dr. Blanton Harper, Jr.

**Res. No. 2015-01**—Christ Fellowship Ministries.

**Res. No. 2016-01**—Pastor Abraham Jeter, Jr.

**Res. No. 2017-01**—Rev. Eric L. Sims.

#### APPRECIATION RESOLUTIONS

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

**Res. No. 2018-01**—Opal Connor.

**Res. No. 2019-01**—Jimmie Kee.

#### RECOGNITION RESOLUTION

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

**Res. No. 2020-01**—Commander Charles R. McNeeley.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 2021-01.**

**By Mayor White.**

**An emergency ordinance authorizing the Director of Port Control to issue credits against rent to Host International, under its Lease By Way of Concession, City Contract No. 33958, for certain improvements approved by the Director.**

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 ("Director") is hereby authorized to issue credits against rent to Host International, Inc. under its Lease By Way of Concession ("Lease"), City Contract No. 33958, for electrical upgrades on Concourse B and in the main terminal and for replacement of windows in the food court, all as approved by the Director. The cost of said improvements shall be credited against concession fees due the City under the Lease, shall not exceed Three Hundred Seventy-Five Thousand Dollars (\$375,000) and shall be amortized over a one year period beginning upon the effective date of this ordinance.

**Section 2.** That the Director is further authorized to execute any documents necessary and appropriate to issue such credits against rent.

**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. 2022-01.**

**By Mayor White.**

**An emergency ordinance authorizing the purchase by requirement contract of asphalt, concrete and tack coat, including labor and materials for the delivery, spreading and compacting, to repair roadways and runways for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, 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 asphalt, concrete and tack coat, including labor and materials for the delivery, spreading and compacting, to repair roadways and runways, in the approximate amount as purchased during the preceding

term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Burke Lakefront Airport and Cleveland Hopkins International Airport, 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 109736)

**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. 2023-01.**

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

**An emergency ordinance authorizing the purchase by requirement contract of landscape material and supplies, for the various divisions of City government, 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 Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of landscape material and supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That 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 104701)

**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 Finance, Law; Committee on Finance.

**Ord. No. 2024-01.**

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

**An emergency ordinance authorizing the purchase by requirement contract of janitorial supplies, for the various divisions of City government, 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 Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of janitorial supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That 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 104702)

**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 Finance, Law; Committee on Finance.

**Ord. No. 2025-01.**  
By Councilman Patmon (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of electronic protection service, for the various divisions of City government, 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 Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of electronic protection service, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That 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 104703)

**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 Finance, Law; Committee on Finance.

**Ord. No. 2026-01.**  
By Councilman Patmon (by departmental request).

**An emergency ordinance authorizing the Director of Finance to enter into contract with PeopleSoft, Inc. to provide training for employees on various PeopleSoft products, for the Division of Financial Reporting and Control, Department of Finance.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to enter into contract with PeopleSoft, Inc. to provide training for employees on various PeopleSoft products,

in the total sum of \$28,875.00, payable from Fund No. 01-151001-622000, Request No. 104014, for the Division of Financial Reporting and Control, Department of Finance.

**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 Finance, Law; Committee on Finance.

**Ord. No. 2027-01.**  
By Councilmen Cintron and Patmon (by departmental request).

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

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 103348)

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

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

**Ord. No. 2028-01.**  
By Councilmen Cintron and Patmon (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of remanufactured vehicle transmissions, including installation if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 103349)

**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 Public Service, Finance, Law; Committees on Public Service, Finance.

**Ord. No. 2029-01.**  
By Councilmen Cintron and Patmon (by departmental request).

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

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

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

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

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

**Section 2.** That existing Section 2 of Ordinance No. 2023-2000, passed December 18, 2000, is hereby repealed.

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

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

**Ord. No. 2030-01.**

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

**An emergency ordinance determining the method of making the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvement.**

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

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

**Section 1.** That pursuant to Section 167 of the Charter, it is hereby determined to make the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb ramps, curb strips, intersections, bridge approaches, utility box and casting adjustments, and appurtenances in areas of the City of Cleveland, by one or more public improvement contracts duly let to the lowest responsible bidder after competitive bidding.

**Section 2.** That the Director of Public Service is hereby authorized to enter into a written requirement contract with the lowest responsible bidder after advertising for all such work estimated to be done during a one year period, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

**Section 3.** That the cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together

with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

**Section 4.** That the cost of the improvement hereby authorized shall be paid from Fund No. 11 SF 401 and from the fund or funds which are credited the proceeds of the sale of any general obligation bonds which include this purpose, Request No. 107841.

**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.

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

**Ord. No. 2031-01.**

**By Councilman Polensek.**

**An emergency ordinance to amend Section 627.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996, relating to the definition of weapons and explosives.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety of the citizens of the City of Cleveland; now therefore,

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

**Section 1.** That Section 627.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996 is hereby amended to read as follows:

**Section 627.01 Definitions**

As used in this chapter:

(a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.

(b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant or by compressed gas. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.

(c) "Handgun" means any firearm designed to be fired while being held in one hand.

(d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(e) "Automatic firearm" means any firearm designed or specially

adapted to fire a succession of cartridges with a single function trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.

(f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(g) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as a firearm;

(3) Any industrial tool, signaling device or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried or used as a firearm.

(h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

(k) "Dangerous ordnance" means any of the following, except as provided in division (1) of this section:

(1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pectrol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;

(5) Any firearm muffler or silencer;

(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

(l) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (1)(3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot be rendered operable or activated, and which is kept as a trophy, souvenir, curio or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder. (RC 2923.11; Ord. No. 90-96. Passed 3-18-96, eff. 3-26-96)

**Section 2.** That existing Section 627.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 90-96, passed March 18, 1996 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 Public Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

**Ord. No. 2032-01.**

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

**An emergency ordinance to repeal Sections 687.01 to 687.17 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2187-96, passed June 12, 2000, relating to bounty hunters; and to supplement the Codified Ordinances by enacting new Sections 687A.01 to 687A.07, relating to registration of bail enforcement agents with the City, and to enact prohibitions.**

Whereas, Am. H.B. 730, enacts several provisions in the Insurance Agents Law (Chapter 3905 of the Revised Code) to provide for the regulation of surety bail bond

agents by the Department of Insurance, including the licensing of such agents, the appointment of agents by insurers, agent registration, continuing education requirements, build-up funds and collateral security, prohibited activities, and grounds for disciplinary action [Source: Ohio Legislative Service Commission]; and

Whereas, Am. H.B. 730 also enacts provisions in the state criminal code (R.C. Title 29) to prohibit any person from apprehending or arresting a principal on bond unless the person meets the criteria set forth by statute, and to prohibit the use of the title "bail enforcement agent" or "bounty hunter" in the State of Ohio [Source: Ohio Legislative Service Commission]; and

Whereas, in June 2000, this Council enacted Chapter 687 of the Codified Ordinances, pertaining to bounty hunters; and

Whereas, some of the provisions of Chapter 687 of the Codified Ordinances conflict with the newly-enacted state law provisions, described in this preamble, which took effect on October 9, 2001; and

Whereas, in recognition of the state law changes, this ordinance will conform the City's ordinance to the state law while retaining those provisions that do not present a conflict, 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 Sections 687.01 through 687.17, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976, relating to bounty hunters, as enacted by Ordinance No. 2187-96, passed June 12, 2000, are hereby repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 687A.01 through 687A.07 thereof to read, respectively, as follows:

**CHAPTER 687A  
SURETY BAIL BOND AGENTS**

**Section 687A.01 Definition of Surety Bail Bond Agent**

As used in this Chapter, "surety bail bond agent" has the same meaning as in Sections 3905.83 to 3905.95 of the Revised Code.

**Section 687A.02 City Registration Required to Act in the Capacity of Surety Bail Bond Agent**

(a) No person shall act in the capacity of a surety bail bond agent in the City of Cleveland, or perform any of the functions, duties or powers prescribed for surety bail bond agents under Sections 3905.83 to 3905.95 of the Revised Code in the City of Cleveland, unless that person first registers with the Chief of Police, in the manner described in this Section.

(b) To register with the City of Cleveland, a surety bail bond agent shall file the following with the Chief of Police:

(1) A certified copy of the surety bail bond agent's appointment by power of attorney from each insurer that the surety bail bond agent represents; and

(2) A copy of the surety bail bond agent's license issued by the Ohio

superintendent of insurance, and a copy of the wallet identification issued to the agent under Division (G) of Revised Code Section 3905.85; and

(3) The address and telephone number of the surety bail bond agent and such other information as the Chief of Police may require to effectuate the purposes of this Chapter.

(c) The Chief of Police shall not accept the registration of a surety bail bond agent unless the surety bail bond agent is currently licensed and appointed in accordance with Sections 3905.83 to 3905.95 of the Revised Code.

(d) Each surety bail bond agent licensed and appointed in accordance with Sections 3905.83 to 3905.95 of the Revised Code shall notify the Chief of Police within thirty days of any change of address of telephone number provided as part of the registration required by this section.

(e) Any person who violates this section is guilty of a misdemeanor of the fourth degree on the first offense, and a misdemeanor of the first degree on each subsequent offense.

[RC 2929.27(A)(3); RC 3905.87; RC 3905.89]

**Section 687A.03 Notification of Police Before Attempting Apprehension, Detention or Arrest**

(a) No person acting as a bail surety bond agent shall apprehend, detain or arrest a principal on bond within the City of Cleveland without first notifying the Division of Police that the same will be attempted. The Chief of Police shall prescribe the method by which notification is made. The notice required by this section shall be made at least thirty (30) minutes prior to the attempted apprehension, detention or arrest, unless rules or regulations of the Chief of Police shall otherwise direct.

(b) The Chief of Police may issue rules and regulations to effectuate the provisions of this Sections, which shall be effective ten days after publication in the City Record.

(c) Any person who violates this section is guilty of a misdemeanor of the first degree. [RC 2927.27(A)(3)]

**Section 687A.04 State License Required to Act in the Capacity of Surety Bail Bond Agent**

(a) No person shall act in the capacity of a surety bail bond agent, or perform any of the functions, duties or powers prescribed for surety bail bond agents under Sections 3905.83 to 3905.95 of the Revised Code, unless that person is qualified, licensed, and appointed as provided in those sections.

(b) This section shall not apply whenever the conduct prohibited by this section constitutes a felony under Section 2927.27 of the Revised Code.

(c) Any person who violates this Section is guilty of a misdemeanor of the first degree. [RC 3905.84; RC 3905.99.]

**Section 687A.05 Persons Who May Apprehend, Detain or Arrest a Principal on Bond Identified**

(a) No person, other than a law enforcement officer, shall apprehend, detain, or arrest a principal on

bond, wherever issued, unless that person meets all of the following criteria:

(1) The person is any of the following:

A. Qualified, licensed, and appointed as a surety bail bond agent under Sections 3905.83 to 3905.95 of the Revised Code;

B. Licensed as a surety bail bond agent by the state where the bond was written;

C. Licensed as a private investigator under Chapter 4749 of the Revised Code.

D. Licensed as a private investigator by the state where the bond was written;

E. An off-duty peace officer, as defined in Section 2921.51 of the Revised Code.

(2) The person, prior to apprehending, detaining or arresting the principal, has entered into a written contract with the surety or with a licensed surety bail bond agent appointed by the surety, which contract sets forth the name of the principal who is to be apprehended, detained or arrested.

For purposes of this division, "surety" has the same meaning as in Section 3905.83 of the Revised Code.

(3) The person, prior to apprehending, detaining or arresting the principal, has complied with the registration and notification requirements set forth in Sections 687A.02 and 687A.03 of this Chapter.

(b) This section shall not apply whenever the conduct prohibited by this section constitutes a felony under Section 2927.27 of the Revised Code.

(c) Any person who violates this section is guilty of illegal bail bond agent practices, a misdemeanor of the first degree. [RC 2927.27]

**Section 687A.06 Identification Card to be Visible**

(a) No person acting as a surety bail bond agent shall attempt an apprehension, detention or arrest of a principal on bail without wearing on his or her outermost clothing, in a conspicuous manner visible to any citizen or police officer, the wallet identification issued to the agent by the superintendent of insurance of Ohio under division (G) of Revised Code Section 3905.85.

(b) Any person who violates this section is guilty of a misdemeanor of the second degree.

**Section 687A.07 Hiring Unqualified Surety Bail Bond Agent Prohibited**

(a) No person shall employ as a surety bail bond agent any person who is not licensed and appointed in accordance with Sections 3905.83 to 3905.95 of the Revised Code or who is not registered with the Chief of Police in accordance with Section 687A.04 of this Chapter.

(b) Any person who violates this section is guilty of a misdemeanor of the first degree.

**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 Public Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

**Ord. No. 2033-01.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 2002 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for said Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes as part of said Program, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with various non-profit organizations for the implementation of said Program.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the approximate amount of \$250,000.00, from the Ohio Department of Education, to conduct the 2002 Summer Food Program for the purposes set forth in the program description and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant, and that said funds be and they hereby are appropriated for the purposes set forth in the program description for said grant.

**Section 2.** That the program description for said grant, File No. 2033-01-A, made a part hereof as if fully rewritten herein is hereby approved in all respects.

**Section 3.** 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 three months (June, July and August, 2002) for the breakfast, lunch and snack program to be served at nineteen City recreation centers and various non-profit agencies and such other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in 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.

**Section 4.** 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.

**Section 5.** That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Parks, Recreation and Properties is hereby authorized to make written contracts with the following agencies and such additional agencies as determined by said Director for implementation of the 2002 Summer Food Program:

Broken Pieces Fellowship Church  
Emile deSauze  
El Centro Hispano deJouenes  
New Bethlehem Baptist Church  
St. Paul AME  
2nd Calvary Baptist Church

**Section 6.** That the cost of said contract hereby authorized shall be paid from the funds or funds to which are credited the proceeds of the grant accepted pursuant to Section 1 of this ordinance.

**Section 7.** 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 for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in 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.

**Section 8.** 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.

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

**Section 10.** That this ordinance is 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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.



**Ord. No. 2034-01.**  
**By Councilman Westbrook.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cudell Improvement, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 005-23-050 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 005-23-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 47 in the Jacob Mueller's Re-Subdivision of Sublot Nos. 11, 12 and 23 and part of Sublot Nos. 10 and 13 and all of Sublot No. 25 and part of Sublot No. 34 in William Jenning's Allotment of part of Original Brooklyn Township Lot No. 9, as shown by the recorded plat in Volume 18 of Maps, Page 21 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 100th Street, (formerly Mueller Avenue), and extending back of equal width 136.15 feet, as appears by said plat.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 005-26-015 as more fully described, to Cudell Improvement, Inc.

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

P. P. No. 005-26-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in J.J. Johnson Trustee Subdivision of a part of Original Brooklyn Township Lot No. 13 as shown by the recorded plat in Volume 14 of Maps, Page 19 of Cuyahoga County Records, and being 50 feet front on the Easterly side of West 98th Street, and extending back between parallel lines 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 005-29-005 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 005-29-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in Lufkin and Tompkins Subdivision of part of Original Brooklyn Township Lots Nos. 13 and 28, as shown by the recorded plat in Volume 25 of Maps, Page 11 of Cuyahoga County Records, and forming a parcel of land 35 feet front on the Northerly side of Willard Avenue and extending back between parallel lines 123.25 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 005-31-110 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 005-31-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in Stahl & Platten's Allotment of part of Original Brooklyn Township Lot No. 13, as shown by the recorded plat in Volume 5 of Maps, Page 65 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 91st Street, and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-25-010 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 006-25-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 and the Westerly 10 feet of Sublot No. 51 and the Easterly 10 feet of West 81st Place vacated in Volume 263, Page 42 of Cuyahoga County Records, in S.O. Griswold's Subdivision of part of Original Brooklyn Township Lot No. 27 as shown by the recorded plat in Volume 13 of Maps, Page 13 of Cuyahoga County Records, and being 39.98 front on the Southerly side of Neville Avenue and extending back of equal width 125.14 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 006-28-023 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 006-28-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 77 in the Meyers and Schneiders Subdivision of part of Original Brooklyn Township Lot No. 27; said Sublot No. 77 has a frontage of 40 feet on the South side of Brinsmade Avenue, S.W., and extends back of equal width 131 feet deep as per plat of said Subdivision recorded in Volume 4 of Maps, Page 57 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 017-02-069 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 017-02-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 49 in Goodman, Andrews and Morrison's Allotment of part of Original Brooklyn Township Lot No. 14, as shown by the recorded plat in Volume 15 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Westerly line of West 92nd Street and extending back between parallel lines, 115 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 017-19-108 as more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 017-19-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 128 in the Crest Real Estate Company's Hillcrest Subdivision of part of Original Brooklyn Township Lots Nos. 14 and 15, as shown by the recorded plat in Volume 41 of Maps, Page 8 of Cuyahoga County Records and being 40 feet front on the Easterly side of West 100th Street and extending back 109.22 feet on the Southerly line, 108.86 feet on the Northerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 17.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 017-26-050 as

more fully described below, to Cudell Improvement, Inc.

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

P. P. No. 017-26-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being part of Original Brooklyn Township Lot No. 15 and bounded and described as follows:

Beginning on the Westerly line of West 97th Street, at a point 1447.76 feet Southerly measured along said Easterly line from its point of intersection with the Southerly line of Almira Avenue, S.W., 50 feet wide; thence Southerly along said Easterly line of West 97th Street, 40 feet; thence Easterly on a line at right angles with said last described line 147.90 feet to the Westerly line of the E.R. Cowin Land Company's Subdivision as shown by the recorded plat in Volume 49 of Maps, Page 25 of Cuyahoga County Records; thence Northerly along said Westerly line 40 feet; thence Westerly 147.22 feet to the place of beginning and being further known as Sublot No. 19 in George P. Comey's proposed Subdivision of part of Original Brooklyn Township Lot No. 15, according to the survey made by J.B. David and Son, Civil Engineer, July 20, 1916, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 19.** 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 20.** 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 21.** 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 22.** 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. 2035-01.**

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

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

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

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

Whereas, the City is desirous of supporting and assisting those City employees and their families who have been financially burdened by the employees' call to active military duty; and

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

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

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

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

**Section 3.** That 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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 2036-01.**

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

An emergency ordinance to amend Section 3 of Ordinance No. 1067-2000, passed June 11, 2001, relating to an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Cleveland Health Education Museum to assist with construction and improvements to its facility.

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 3 of Ordinance No. 1067-2000, passed June 11, 2001, is hereby amended to read as follows:

Section 3. That the terms of said loan and grant shall be in accordance with the terms as set forth in the summary contained in File No. 1067-2000-C.

**Section 2.** That existing Section 3 of Ordinance No. 1067-2000, passed June 11, 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.

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

**Ord. No. 2037-01.**

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

An emergency ordinance to amend Section 2 of Ordinance No. 1033-01, passed June 19, 2001, relating to a Neighborhood Development Investment Fund contract with KINBESS LLC to improve an approximate 25-acre parcel at the intersection of Preble Avenue and East 80th Street.

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. 1033-01, passed June 19, 2001, is hereby amended to read as follows:

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994, as amended by Ordinance No. 2123-96, passed February 10, 1997, and shall be in accordance with the terms as set forth in the Summary contained in File No. 1033-01-B.

**Section 2.** That existing Section 2 of Ordinance No. 1033-01, passed June 19, 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.

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

**Ord. No. 2038-01.**  
**By Councilmen Rybka, Jackson, Cimperman and Patmon (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Saltzman H-Realty Co., Ltd. to provide for a ten year sixty percent abatement for certain tangible personal property and real estate taxes as an incentive to construct a new Dave's Supermarket at 7422 Harvard Avenue, in the Cleveland Area Enterprise Zone.**

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

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

Whereas, Saltzman H-Realty Co., Ltd. (the "Enterprise") has proposed to construct a new Dave's Supermarket at 7422 Harvard Avenue, in the Cleveland Area Enterprise Zone; and

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

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

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year sixty percent (60%) abatement for certain tangible personal property and real estate taxes as an incentive to construct a new Dave's Supermarket at 7422 Harvard Avenue, in the Cleveland Area Enterprise Zone; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the

Summary contained in File No. 2038-01-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

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

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 2039-01.**

**By Councilman O'Malley.**

**An emergency resolution endorsing and supporting an application for a communications technology grant by Digital Vision, a non-profit organization in Cleveland, from Manufacturer 3Com, of Santa Clara, California, in partnership with the U.S. Conference of Mayors.**

Whereas, a national report recently ranked Ohio 33rd of 50 states in transforming to the new information economy (EcomOhio Report, 2000), despite Ohio's rank as the country's seventh largest economy; and

Whereas, Internet usage is lower in Northeast Ohio than in other Ohio regions (e.g. 14% in NE Ohio, compared to 19% in SE Ohio, by some comparisons), and is below the national average (NE Ohio Regional Report on Ohio's Readiness for Global Electronic Commerce, Ecom Ohio, May 2000); and

Whereas, increased computer skills and training for students in the City can help overcome low education attainment levels and low graduation rates, and can help improve economic opportunities for lower-income Cleveland residents; and

Whereas, Manufacturer 3Com, of Santa Clara, California, in partnership with the Conference of Mayors, is offering an "Urban Challenge Grant," of up to \$100,000 for the purchase of equipment and services for city computer and communications connectivity projects, and this program has already made grants exceeding \$2 million to a number of cities; and

Whereas, Cleveland Digital Vision, a non-profit organization created by neighborhood groups in Cleveland to help the City bridge the digital divide, is preparing an application for a Challenge Grant, and is instituting a process to gain neighbor-

hood input into the development of the grant, in order to institute a project to improve computer and Internet connectivity for citizens of the City, and Digital Vision needs the City's support and endorsement in order to apply for this grant; and

Whereas, Cleveland Digital Vision has created a large, City-wide coalition of neighborhood groups to focus public attention on the importance of computer education and training, it has developed a partnership with Technology for All, of Houston, Texas, to provide low-cost courses and materials and scholarships for distance-learning programs at public computer centers, it has developed or assisted in the expansion of computer centers, including Westown Development Corporation, League Park Center, WEB Dubois Center, Riverview Terrace and West Boulevard Detroit CMHA, and Union-Miles Development Corporation, it has offered staff training classes and distributed free Microsoft educational software, it has created a recycling coalition to assist computer centers in the collection and distribution of recycled computers, it has assisted in the public distribution of more than 100 computers to individuals in the City, it has contributed to a state-wide partnership with business and technical professional groups supporting centers in underserved areas with technical assistance, and it has attracted small-scale funding from groups with technical and educational expertise, including Morino Institute, Battelle Institute and the North East Ohio Software Association, as well as broader groups like the George Gund Foundation, Cleveland Foundation, Greater Cleveland Neighborhood Centers Association and the AFL-CIO; and

Whereas, Digital Vision proposes to work with neighborhood groups and government agencies to develop an Internet connectivity and computer access project, and it is a goal of this Council to assist neighborhood organizations to establish computer centers to provide computer and Internet access to citizens of the City, as exemplified by the creation of the Adelphia/Cleveland City Council Neighborhood Technology Fund; now therefore

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

**Section 1.** That this Council endorses the application of Digital Vision to Manufacturer 3Com, of Santa Clara, California, in partnership with the Conference of Mayors, for an "Urban Challenge Grant," of up to \$100,000 for the purchase of equipment and services, in order to institute a project to bring improvements in communications and computer and Internet connectivity for citizens of the City.

**Section 2.** That this Council will use its resources to work with Digital Vision in order to assist it to organize neighborhood groups and government agencies for the purpose of making application for the grant and to implement the project should a grant be awarded.

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

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

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

**Ord. No. 2040-01.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Tremont West Development Corp. to stretch a banner on CPP utility poles (by separate permission) which will encroach into the right-of-way of W. 14th St. for the period of Nov. 21, 2001 to Jan. 4, 2002, inclusive, for their special event.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Tremont West Development Corporation, 2190 Professor Avenue, Cleveland, Ohio 44113, to stretch, maintain and remove one (1) banner using Cleveland Public Power utility poles, (by separate permission) publicizing their special event, for the period of November 21, 2001 to January 4, 2002, inclusive, for their special event, and which banner is to be stretched at the following pole locations and on the following pole numbers: On West 14th Street, at Grace Hospital (E) HOM-1-17 and at Grace Hospital (W) HOM-1-24; and which poles location and 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 stretched must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 2041-01.**

**By Councilman Jackson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Vanetta Jackson)**

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 5; 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 5: Vanetta Jackson.

**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 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 2042-01.**

**By Councilman Jackson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Hospital Health System for St. Michael's Hospital to hang 7-banners on CPP utility poles (by separate permission) which will encroach into the right-of-way of Broadway between McBride and Pershing Aves. for the period of Nov. 1, 2001 to Dec. 31, 2001, inclusive, for their special event.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to University Hospital Health System, 5163 Broadway, Cleveland, Ohio 44127, to hang, maintain and remove seven (7) banners using Cleveland Public Power utility poles, (by separate permission) publicizing their special event, for the period of November 1, 2001 to December 31, 2001, inclusive, for their special event, and which banners are to be hung at the following pole locations and on the following pole numbers: Broadway between McBride and Pershing Avenues on the 1st pole N. of McBride Ave. (E), #SE4-112; on the 2nd pole N. of McBride Ave. (E), #SE4-113; on the 1st pole S. of Fowler Ave. (E), #SE4-114; on the

1st pole N. of Fowler Ave. (E), #SE4-115; on the 2nd pole N. of Fowler Ave. (E), #SE4-116; on the 1st pole S. of Pershing Ave. (E), #SE4-117; on the 1st pole N. of Pershing Ave. (E), #SE4-118; and which poles location and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 2043-01.**

**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.

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

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

**Ord. No. 2044-01.**  
**By Councilmen Johnson, Gordon,**  
**O'Malley, Melena, Westbrook, Brady**  
**and Dolan.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Home Heritage Home Loan Program through the use of Ward 4, 15, 16, 17, 18, 19, and 21 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 the Cleveland Restoration Society for the Heritage Home Loan Program for the public purpose of promoting restoration and preservation of historic homes in the City of Cleveland for Cleveland residents through the use of Wards 4, 15, 16, 17, 18, 19, and 21 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$120,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Ord. No. 2045-01.**  
**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program located in Ward 7 to Joyce Kinney.**

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 the Codified Ordinances of Cleveland, Ohio, 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 Number 118-09-081 to Joyce Kinney.

**Section 2.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six months of the effective date of this ordinance. If all of the documents are not executed within six 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 3.** That the consideration for the subject parcel shall be established by the Board of Control and shall not be less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 4.** 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 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 2046-01.**  
**By Councilman Melena.**

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with C.T. Products., L.L.C. for the retention and creation of jobs through the use of Ward 17 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 C.T. Products., L.L.C. for the public purpose of providing business assistance, which will provide for the retention and creation of jobs for City residents.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$262,923.87 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

**Ord. No. 2047-01.**  
**By Councilman Patmon.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance 1553-01 passed August 15, 2001 relating to the construction of the Bradley Construction Company Headquarters and Hardware store through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance 1553-01 passed August 15, 2001 are hereby amended to read respectively as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Bradley Construction Company for the construction of the Bradley Construction Company Headquarters and Hardware store through the use of Ward 8 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Bradley Construction Company for the construction of the Bradley Construction Company Headquarters and Hardware store, through the use of Ward 8 Neighborhood Equity Funds for the public purpose of creating new jobs and employment opportunities for Cleveland residents.

**Section 2.** That the Title and existing Section 1 of Ordinance 1553-01 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.

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

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

**Ord. No. 2048-01.**  
**By Councilmen Polensek and Patmon.**

**An emergency ordinance authorizing and directing the Director of Finance to seek an amended Official Certificate of Resources for the 2001 Budget year from the Office of the Budget Commission of Cuyahoga County due to errors statement of unencumbered balances as of January 1, 2001.**

Whereas, pursuant to Section 5705.36 of the Ohio Revised Code, the Director of Finance is required to file an Official Certificate of Estimated Resources of the City of

Cleveland with the Office of the Budget Commission of Cuyahoga County; and

Whereas, the Official Certificate of Estimated Resources sets forth, among other things, the annual estimated amount of revenues to be collected by the City and the unencumbered balances of funds of the City; and

Whereas, upon examination of records of the City, this Council has discovered that the unencumbered balance as of January 1, 2001 as reported in the Official Certificate of Estimated Resources certified by the Director of Finance to the County Budget Commission is in error; and

Whereas, Council has by letter dated October 29, 2001, attached here-

to as File No. 2048-01-A, notified the Director of Finance of the need to file an amended Official Certificate of Resources with the Office of the Budget Commission of Cuyahoga County in order to rectify the error contained in the 2001 Certificate; 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 Finance is authorized and directed to seek an amended Official Certificate of Estimated Resources from the Office of the Budget Commission of Cuyahoga County to rectify errors contained the unencumbered

balances of funds set forth in the 2001 Official Certificate.

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

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

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

**Ord. No. 2049-01.**

**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 Detroit Merchants) to encroach into the right-of-way of Detroit Ave. between W. 117th St. and Berea Rd. with 24 Lighted Christmas Trees to be hung on CPP utility poles (by separate permission) every year for the Christmas Season during the period beginning November 12, (2001) to January 31, (2002), inclusive.**

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

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

**Section 1.** That 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 Detroit Merchant's) 11650 Detroit Avenue, Cleveland, Ohio 44102, its successors and assigns, for the construction, use and maintenance of twenty-four (24) Lighted Christmas Trees to be hung on Cleveland Public Power utility poles (by separate permission) for the Christmas Season during the period beginning November 12, 2001 to January 31, 2002, inclusive, which will encroach into the public right-of-way of Detroit Avenue between West 117th Street to Berea Road at the locations described as follows:

LOCATION:

POLE NUMBER & ATTACHMENT:

1) 10427 Detroit (N)	E-7-5 / Lighted Christmas Tree
2) 10603 Detroit (N)	E-7-7 / Lighted Christmas Tree
3) 10603 Detroit (S)	E-8-18 /Lighted Christmas Tree
4) W. 107 & Detroit (S)	E-8-17 /Lighted Christmas Tree
5) 10717 Detroit (S)	E-8-16 /Lighted Christmas Tree
6) W. 110 & Detroit (S)	E-8-15 /Lighted Christmas Tree
7) 11000 Detroit (N)	E-7-11 /Lighted Christmas Tree
8) 11029 Detroit (S)	E-8-14 /Lighted Christmas Tree
9) 11100 Detroit (N)	E-7-13 /Lighted Christmas Tree
10) 11119 Detroit (S)	E-8-12 /Lighted Christmas Tree
11) 11200 Detroit (N)	E-7-14 /Lighted Christmas Tree
12) 11200 Detroit (S)	E-8-27 /Lighted Christmas Tree
13) 11210 Detroit (N)	E-7-15 /Lighted Christmas Tree
14) 11225 Detroit (S)	E-8-10 /Lighted Christmas Tree
15) 11310 Detroit (N)	E-7-16 /Lighted Christmas Tree
16) 11409 Detroit (S)	E-8-8 /Lighted Christmas Tree
17) 11510 Detroit (N)	E-7-18 /Lighted Christmas Tree
18) 11600 Detroit (S)	E-8-6 /Lighted Christmas Tree
19) 11600 Detroit (N)	E-7-20 /Lighted Christmas Tree
20) 11603 Detroit (S)	E-8-5 /Lighted Christmas Tree
21) 11611 Detroit (S)	E-8-4 /Lighted Christmas Tree
22) 11616 Detroit (N)	E-7-22 /Lighted Christmas Tree
23) 11645 Detroit (S)	E-8-2 /Lighted Christmas Tree
24) 11650 Detroit (N)	E-7-24 /Lighted Christmas Tree

**Section 2.** 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 3.** That said Lighted Christmas Trees will be placed within the public right-of-way as aforesaid in Section 1., and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction. That all other required permits, including a Building Permit, shall be obtained before said Lighted Christmas Trees are installed.

**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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 2050-01.****By Councilman Willis.**

**An emergency ordinance to amend the Title and Section 1 of Ordinance 2208-99 passed December 15, 1999 relating to a second mortgage program through the use of Ward 9 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance No. 2208-99 passed 12/15/1999 are hereby amended to read respectively as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeastern Neighborhood Development Corporation as **the City's agent in carrying out a second mortgage program** as an incentive for homeownership in Ward 9, through the use of Ward 9 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Northeastern Neighborhood Development Corporation as **the City's agent in carrying out a second mortgage program for the public purpose of providing housing opportunities for City residents** through the use of Ward 9 Neighborhood Equity Funds.

**Section 2.** That the Title and existing Section 1 of Ordinance No. 2208-99, passed December 15, 1999, 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.

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

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

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

**Res. No. 2051-01.****By Councilman Cimperman.**

**An emergency resolution supporting Governor Taft in his opposition to making health boards obtain city council approval before banning smoking in public places and further supporting the governor's compromise which gives Ohio's Health District Advisory Councils the option of overriding any smoking ban passed by the local health boards.**

Whereas, state representatives are threatening to pass a bill which would cause local health boards to win approval of the local city council where said health boards recommend elimination of smoking in restaurants or other public places; and

Whereas, such a bill would make it harder for local health boards to ban smoking in public places; and

Whereas, gaining the approval of local city councils is extremely difficult if not impossible; and

Whereas, Governor Taft has threatened to veto the bill, but state representatives want to override any veto; and

Whereas, Governor Taft has proposed a compromise wherein Ohio's Health District Advisory Councils may override any smoking ban passed by local health boards; and

Whereas, such a compromise makes the health boards more accountable in that the Health District Advisory Councils would help determine impact on restaurants, bars and other establishments before allowing smoking bans; and

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

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

**Section 1.** That this Council supports Governor Taft in his opposition to making health boards obtain city council approval before banning smoking in public places and further supports the governor's compromise which gives Ohio's Health District Advisory Councils the option of overriding any smoking ban passed by the local health boards.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Governor Bob Taft and the leaders of the Ohio House of Representatives.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 2052-01.****By Councilman Coats.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 17801 Euclid Avenue, and repealing Res. No. 1529-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 17801 Euclid Avenue by Res. No. 1529-2000 adopted by Council on August 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 for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That objection to the renewal of a C2 and C2X Liquor Permit to 17801 Euclid Avenue, be and the same is hereby withdrawn and Res. No. 1529-2000, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 2053-01.****By Councilmen Reed and Jones.**

**An emergency resolution opposing House Bill 191 which provides that a municipality which collects over \$100 million in annual income tax receipts give back to each commuter's place of residence 25% of the income tax paid to the central city.**

Whereas, pending House Bill 191 provides that a municipality which collects over \$100 million in annual income tax receipts must return to the commuter's place of residence 25% of the income tax paid to the central city; and

Whereas, Columbus, Dayton, Cleveland, Toledo and Cincinnati are cities that would be affected by such a bill; and

Whereas, initial estimates say that this would reduce the income tax receipts in Columbus, Dayton, Cleveland, Toledo and Cincinnati by 8 to 18%; and

Whereas, if H.B. 191 passes, the above cities could have to lay off police and fire personnel, and stop other day-to-day city services that would impact the safety, health and welfare of the citizens of such cities; and

Whereas, if H.B. 191 passes, the above cities' budgets would be reduced so drastically as to cause irreversible economic downturns in the regions of those cities; and

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

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

**Section 1.** That this Council opposes House Bill 191 which provides that a municipality which collects over \$100 million in annual income tax receipts give back to each commuter's place of residence 25% of the income tax paid to the central city.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the leaders of the General Assembly of the State of Ohio.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 2054-01.**  
**By Councilmen Reed and Jones.**  
**An emergency resolution opposing House Bill 258 which provides that no municipal employee may be required to live in any specific area of the state.**

Whereas, pending House Bill 258 provides that no municipal employee may be required to live in any specific area of the state; and

Whereas, if passed, House Bill 258 would overturn all charters, ordinances, civil service policies, employment contracts and collective bargaining agreements which contain provisions causing employees to live in certain areas; and

Whereas, House Bill 258 overturns local voter decisions and local personnel decisions and would open the door for abuse by state representatives; and

Whereas, this bill purports to eliminate the ability of local governments to set conditions of employment for municipal employees; and

Whereas, further, this bill overturns the decisions of local governments, local voters and local unions without the agreement of such bodies; and

Whereas, this bill is bad public policy in that it would eliminate future ability on the part of local voters and local governments to determine for themselves certain conditions of employment for municipal employees; and

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

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

**Section 1.** That this Council opposes House Bill 258 which provides that no municipal employee may be required to live in any specific area of the state.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the leaders of the General Assembly of the State of Ohio.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 2055-01.**  
**By Councilman Rybka.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue, and repealing Res. No. 1182-01 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue by Res. No. 1182-01 adopted by Council on June 11, 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 for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue, be and the same is hereby withdrawn and Res. No. 1182-01, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 2056-01.**  
**By Councilman Westbrook.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 8806 Almira Avenue, 1st Fl., and repealing Res. No. 39-01 objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 8806 Almira Avenue, 1st Fl. by Res. No. 39-01 adopted by Council on January 8, 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 for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That objection to the transfer of ownership of a C1 Liquor Permit to 8806 Almira Avenue, 1st Fl., be and the same is hereby withdrawn and Res. No. 39-01, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

## SECOND READING EMERGENCY ORDINANCES

### Ord. No. 1488-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service.

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

1. In Section 1, line 4, strike "one year" and insert "**six months**"; in lines 5 and 6, strike "as purchased during the preceding year" and insert of "**of 50,000 tons**"; and in line 12, strike "one year" and insert "**six months**"; and in line 15, strike "year" and insert "**term**".

2. In Section 2, line 1, after "shall" insert "**not exceed \$1,500,000.00 and shall**".

Amendments agreed to.

### Ord. No. 1490-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2002 Recycle Ohio! Program; authorizing said Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of equipment and supplies for the program.

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

1. Insert a new Section 7 to read as follows:

**"Section 7. That, as part of the educational component of this Program, the Director of Public Service shall inform citizens of the City's recycling program and the benefits of recycling by advertising in local newspapers that reflect the City's diversity. To the extent practicable, the language of such advertisements shall be consistent with the language of the citizens that read the newspapers."**

2. Renumber existing "Section 7" to new "**Section 8**".

Amendments agreed to.

### Ord. No. 1725-01.

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

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 58014 with The Arab American Community Center For Economic & Social Services In Ohio for the acquisition and rehabilitation of the agency's center located at 11535 Lorain Avenue.

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. 1812-01.**

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 Community Access Program.

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

Council Member White left the meeting.

**SECOND READING EMERGENCY ORDINANCES PASSED****Ord. No. 1211-01.**

By Councilman Brady.

An emergency ordinance designating the Guardian Trust Bank Building — Lorain-West 117th Street Branch as a Cleveland Landmark.

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

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

**Ord. No. 1865-01.**

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

An emergency ordinance to amend the second whereas clause and Section 5 of Ordinance No. 1226-01, passed July 18, 2001, relating to the up-front grant from the United States Department of Housing and Urban Development in connection with the development of Rainbow Terrace Apartments.

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.

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

**Ord. No. 1870-01.**

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland Housing Network, Inc. or designee.

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

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

Council Member Dolan left the meeting.

**THIRD READING EMERGENCY ORDINANCES PASSED****Ord. No. 926-01.**

By Councilman Rybka.

An emergency ordinance authorizing the Director of Community

Development to enter into a grant agreement with Slavic Village Development for the Master Plan for the Lower Worsted Mills Site, to promote the public purpose of conducting a planning study through the use of Ward 12 Neighborhood Equity Funds.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1363-01.**

By Councilmen Rybka and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a cash donation from Dollar Bank for recreational purposes.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1366-01.**

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

An emergency ordinance authorizing the Director of Public Service to accept a cash donation from the Western-Elmwood-Berea Corporation for the reconfiguration of the intersection of West 117th Street and Madison Avenue; and to amend Section 1 of Ordinance No. 520-2000, passed May 22, 2000, relating to causing payment of the City's share to the County of Cuyahoga for the cost of repairing and resurfacing West 117th Street from Bellaire Road to Edgewater Drive.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1730-01.**

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance to amend Section 6 of Ordinance No. 593-2000, passed June 5, 2000, as amended by Ordinance No. 1382-01, passed July 18, 2001, relating to the public improvement of repairing and constructing sidewalks, driveway aprons, curbing, curb strips, intersections, bridge approaches, utility box and casting adjustments and appurtenances.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1743-01.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental of laundry and work clothing, for the various divisions of City government, for a period not to exceed two years.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1744-01.**

By Councilman Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for the maintenance of City of Cleveland telephones, products and ancillary equipment, for the Department of Finance, for a period of one year with two one-year options to renew.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1810-01.**

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 Cuyahoga County Board of Health for the Cardiovascular Disease Program.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1811-01.**

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 Cuyahoga County Board of Health for the Immunization Action Plan Program.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1813-01.**

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 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.

Read third time. Passed. Yeas 18. Nays 0.

**Ord. No. 1814-01.**

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 March of Dimes, Ohio Chapter for the March of Dimes Program.

Read third time. Passed. Yeas 18. Nays 0.

Council Member Dolan entered the meeting.

**LAID ON THE TABLE****Ord. No. 2014-2000.**

By Mayor White.

An emergency ordinance to amend Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1186-92, passed June 15, 1992, relating to the Office of Equal Opportunity; to repeal Sections 187.01 to 187.15, as amended or enacted by various ordinances; and to supplement said codified ordinances by enacting new Sections 187.01 to 187.22 thereof relating to the Cleveland Small Business Program.

Without objection, Ord. No. 2014-2000 Laid on the Table. Yeas 19. Nays 0.

**Ord. No. 2308-2000.**

By Councilmen Polensek and Westbrook.

An emergency ordinance to repeal Sections 670B.01 through 670B.08 and 670B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 933-A-97 passed June 16, 1997, and to supplement said codified ordinances by enacting new Sections 670B.01 through 670B.08 and 670B.99 thereof, relating to outdoor pay telephones, and to amend Sections 3109.02, 325.71 and

349.05 of the Codified Ordinances of Cleveland, Ohio, 1976 as enacted by various ordinances.

Without objection, Ord. No. 2308-2000 Laid on the Table. Yeas 19. Nays 0.

#### MOTION

By Council Member Reed and seconded by Council Member Sweeney and unanimously carried that the absence of Council Member Patricia J. Britt be and is hereby authorized.

#### MOTION

The Council adjourned at 8:10 p.m. to meet at the call of the Chair.



Clerk of Council

### THE CALENDAR

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

#### ORDINANCES

##### Ord. No. 1488-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, 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 **six months** for the necessary items of rock salt in the approximate amount of **50,000 tons**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, 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 **six months** 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 \$1,500,000.00** and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all

subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 30130)

**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. 1490-01.

By Councilmen Cintron and Patmon (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2002 Recycle Ohio! Program; authorizing said Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of equipment and supplies for the program.

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

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

**Section 1.** That the Director of Public Service is hereby authorized to apply for and accept a grant in the approximate amount of \$200,000 from the Ohio Department of Natural Resources, for the 2002 Recycle Ohio! Program, for the purposes set forth in the grant application handbook and according thereto; that the Director of Public Service is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the grant application handbook for said grant.

**Section 2.** That the grant application handbook for said grant, File No. 1490-01-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median county per capita income (MCPCI) of the State of Ohio, payable from Fund No. 01-400301-639905, is hereby approved in all respects.

**Section 3.** That the Director of Public Service is hereby authorized to enter into an agreement with the Department of Natural Resources to implement said program.

**Section 4.** That the Director of Public Service is hereby authorized to enter into one or more contracts with various agencies for the implementation and operation of the Program.

**Section 5.** That the Director of Public Service is hereby authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of

Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and supplies necessary for implementation and operation of the grant, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 grant term.

The cost of said contracts or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

**Section 6.** That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and the cash match.

**Section 7. That, as part of the educational component of this Program, the Director of Public Service shall inform citizens of the City's recycling program and the benefits of recycling by advertising in local newspapers that reflect the City's diversity. To the extent practicable, the language of such advertisements shall be consistent with the language of the citizens that read the newspapers.**

**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.

##### Ord. No. 1725-01.

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

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 58014 with The Arab American Community Center For Economic & Social Services In Ohio for the acquisition and rehabilitation of the agency's center located at 11535 Lorain Avenue.

##### Ord. No. 1812-01.

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 Community Access Program.

**BOARD OF CONTROL**

October 24, 2001

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 24, 2001, at 11:00 a.m. with Director Carr presiding.

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

Absent: Mayor White.

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

On motion, the following resolutions were adopted.

**Resolution No. 764-01.**

By Director Clark.

Whereas, by Resolution No. 656-01, adopted September 26, 2001, pursuant to the authority of Ordinance No. 743-01, passed by the Council of the City of Cleveland on June 11, 2001, this Board of Control approved the bid of Bostwick Braun Co. as the lowest and best for the purchase of an estimated quantity of hand tools and hand-held power tools, item nos. 1, 3, 7 and 8; and

Whereas, in said Resolution No. 656-01, the Requisition Number is incorrectly stated as 106025; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Board of Control Resolution No. 656-01, adopted September 26, 2001, affirming and approving the bid of Bostwick Braun Co. as the lowest and best for the purchase of various items of hand tools and hand-held power tools, for various divisions of City Government, Department of Finance, is hereby amended by changing the Requisition Number to 106024.

Be it further resolved that all other provisions of said Resolution No. 656-01 not expressly amended hereby shall remain in full force and effect.

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

Nays: None.

Absent: None.

**Resolution No. 765-01.**

By Director Clark.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 26, 2001, for Fasteners, Section 3, all items, for the various divisions of City Government, Department of Finance, pursuant to the authority of Ordinance No. 619-01, passed April 30, 2001, be and the same are hereby rejected.

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

Nays: None.

Absent: None.

**Resolution No. 766-01.**

By Director Clark.

Resolved, by the Board of Control of the City of Cleveland that the bid

of Hertz Equipment Rental Corporation for an estimated quantity of trailer mounted 6" water pumps, 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 September 6, 2001, pursuant to the authority of Ordinance No. 1264-01, passed by the Council of the City of Cleveland on June 19, 2001, which on the basis of the estimated quantity would amount to Forty-Five Thousand Six Hundred Ten and 00/100 Dollars (\$45,610.00) (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 103370 which shall be certified against such contract in the sum of Forty-Five Thousand Six Hundred Ten and 00/100 Dollars (\$45,610.00).

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 Directors Brown, Director Sheperd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: None.

**Resolution No. 767-01.**

By Director Sheperd.

Whereas, pursuant to the authority of Ordinance No. 1511-01, passed August 15, 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 convey a non-exclusive easement in certain City-owned property, no longer needed for public use, described therein and located along Old Grayton Road to Ameritech; and

Whereas, said Ordinance No. 1511-01 provided that the consideration to be paid for the easement described in Section 1 of said Ordinance as Parcel B and containing 0.2331 acres of land as described on March 8, 2001 by R. M. Kole & Associates, Inc., at a price not less than fair market value, and the duration of the easement shall both be determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1511-01 passed by the Council of the City of Cleveland on August 15, 2001, the Commissioner of Purchases and Supplies is hereby directed to convey a non-exclusive easement in City-owned land, no longer needed for public use, described therein and located along Old Grayton Road, to Ameritech. The consideration to be paid for said non-exclusive easement described in Section 1 of said Ordinance as Parcel B and containing 0.2331 acres of land as described on March 8, 2001 by R. M. Kole & Associates, Inc. is hereby fixed at

\$15,750, which amount is determined to be not less than the fair market value. The duration of the easement shall be perpetual but shall revert to the City if abandoned by Ameritech.

Be it further resolved that the Mayor and the Director of Port Control are requested to execute and deliver the official deed of the City of Cleveland conveying said easement, which document shall contain such additional terms and conditions as are required to protect the interests of the parties.

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

Nays: None.

Absent: None.

**Resolution No. 768-01.**

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 313-01, adopted May 10, 2001 and Resolution No. 410-01, adopted June 27, 2001, pursuant to Ordinance No. 2049-99, passed June 12, 2000, approving Perk Co., Inc., for the public improvement of the replacement of the existing Tug Road project for the Division of Cleveland Hopkins International Airport, Department of Port Control, the employment of the following subcontractor for the above-mentioned public improvement project is hereby approved.

<u>Subcontractor</u>	<u>Description</u>
Inland Waters	Cleaning Regulated and Non-Regulated Water

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

Nays: None.

Absent: None.

**Resolution No. 769-01.**

By Director Sheperd.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 479-01, adopted July 25, 2001, pursuant to Ordinance No. 1118-01, passed June 19, 2001, approving Hull and Associates, Inc., for professional environmental services for the collection, sampling and analysis of soils, environmental modeling and other related services for the Expansion Program for the Division of Cleveland Hopkins International Airport, Department of Port Control, the employment of the following subcontractors for the above-mentioned professional services project is hereby approved.

<u>Subcontractor</u>	<u>Description</u>
Ravensfield Digital Resources	Data (i.e. screening, surveying, etc.)
Independence Excavating	Field Work (i.e. test pits)

Yeas: Directors Carr, Clark, Acting Directors Brown, Director Sheperd.

erd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 770-01.**

By Director Sheperd.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on September 20, 2001 for the purchase of airline schedule data and for the layout, printing and distribution of online and printed publication of the Cleveland Flight Guide, for the Division of Cleveland Hopkins International Airport, Department of Port Control, be and the same are hereby rejected.

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

Nays: None.  
Absent: None.

**Resolution No. 771-01.**

By Acting Director DeVaul.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for an estimated quantity of Ford truck parts and labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on September 14, 2001, pursuant to the authority of Ordinance No. 365-01, passed by the Council of the City of Cleveland on April 9, 2001, which on the basis of the estimated quantity would amount to One Hundred Thousand and no/100 Dollars (\$100,000.00) (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 103387  
which shall be certified against such contract in the sum of Fifteen Thousand and no/100 Dollars (\$15,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract and which does not in total exceed \$100,000.00.

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

Nays: None.  
Absent: None.

**Resolution No. 772-01.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland that the bid of Sagem Morpho, Inc. for an estimated quantity of Automated Fingerprint Identification System 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 September 13, 2001, pursuant to the authority of Ordinance No. 497-01, which was passed by Cleveland City Council on May 21, 2001, which on the basis of the estimated quantity would amount to One Hundred Ninety One Thousand, Nine Hundred and 00/100 Dollars (\$191,900.00) (Net) 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. 102953  
as specified  
which shall be certified against such contract in the sum of One Hundred Ninety One Thousand, Nine Hundred and 00/100 Dollars (\$191,900.00).

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 Directors Brown, Director Sheperd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 773-01.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland that the bid of Radio Satellite Integrators, Inc. for an estimated quantity of Automated Vehicle Locator System, item nos. 1-13, for the Division of EMS, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on August 3, 2001, pursuant to the authority of Ordinance No. 1005-2000, which was passed by Cleveland City Council on July 17, 2000, which on the basis of the estimated quantity would amount to One Hundred Ninety Nine Thousand, Four Hundred Seventy Five and 00/100 Dollars (\$199,475.00) (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. 108812  
as specified,  
which shall be certified against such contract in the sum of One Hundred Ninety Nine Thousand, Four Hundred Seventy Five and 00/100 Dollars (\$199,475.00).

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 Directors Brown, Director Sheperd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 774-01.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on August 3, 2001 for Automated Vehicle Locator System, item nos. 14-18, for the Division of EMS, Department of Public Safety, pursuant to the authority of Ordinance No. 1005-2000, passed on July 17, 2000, be and the same are hereby rejected.

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

Nays: None.  
Absent: None.

**Resolution No. 775-01.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on September 14, 2001 for ike jackets, for the Division of Police, Department of Public Safety, pursuant to the authority of Ordinance No. 1265-01, passed on June 19, 2001, be and the same are hereby rejected.

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

Nays: None.  
Absent: None.

**Resolution No. 776-01.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland that the bid of Boise Cascade Products for an estimated quantity of Furniture, item nos. 1-119, 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 September 13, 2001, pursuant to the authority of Ordinance No. 1005-2000, which was passed by Cleveland City Council on July 17, 2000, which on the basis of the estimated quantity would amount to Thirty Four Thousand, Two Hundred Fifty and 00/100 Dollars (\$34,250.00) (Net) 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. 102041  
as specified  
which shall be certified against such contract in the sum of Twenty Four Thousand, Nine Hundred Thirteen and 00/100 Dollars (\$24,913.00).

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 Directors Brown, Director Sheperd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 777-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the conditional bid of Agilent Technologies, Inc. for an estimated quantity of Gas Chromatograph Mass Selective System, 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 28, 2001, pursuant to the authority of Ordinances No. 1656-99, which was passed by Cleveland City Council on December 6, 1999, which on the basis of the estimated quantity would amount to Seventy-Six Thousand, Seven Hundred Fifty-Six and 23/100 Dollars (\$76,756.23) (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. 102961**

as specified, which shall be certified against such contract in the sum of Seventy Six Thousand, Seven Hundred Fifty Six and 23/100 Dollars.

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 Directors Brown, Director Sheperd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 778-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on April 12, 2001 for Medical Supplies, for the Division of Fire, Department of Public Safety, pursuant to the authority of Ordinance No. 582-99, passed June 7, 1999, be and the same are hereby rejected.

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

Nays: None.  
Absent: None.

**Resolution No. 779-01.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the conditional bid of Agilent Technologies, Inc. for an estimated quantity of Autosampler, 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 September 6, 2001, pursuant to the authority of Ordinances No. 1656-99, which was passed by Cleveland City Council on December 6, 1999, which on the basis of the estimated quantity would amount to Eighteen Thousand, Four Hundred Ninety Four and 30/100 Dollars (\$18,494.30) (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. 102962**

as specified, which shall be certified against such contract in the sum of Eighteen Thousand, Four Hundred Ninety Four and 30/100 Dollars.

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 Directors Brown, Director Sheperd, Acting Director DeVaul, Directors Whitlow, Guzman, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.  
Absent: None.

**Resolution No. 780-01.**

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Bevmar Interiors for the labor and materials for drapes, including sheer drapes and black outs for the Mayor's Office, received on October 18, 2001, pursuant to the authority of Ordinance No. 1747-99, passed December 11, 2000, which on the basis of the order quantities would amount to Twenty Six Thousand Three Hundred and no/100 Dollars (\$26,300.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for such items.

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

Nays: None.  
Absent: Directors Sheperd and Guzman.

**Resolution No. 781-01.**

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of Able Contracting Group, Inc., for an estimated quantity of labor and materials to repair or replace fencing at various baseball diamonds (Item Nos. 1, 3 and 4) for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract, received on September 13, 2001, pursuant to the authority of Ordinance No. 545-01, passed May 21, 2001, which on the basis of the estimated quantity would amount to Thirty Three Thousand Eight Hundred Eighty Five and 60/100 Dollars (\$33,885.60), is hereby affirmed and approved as the lowest and best bid,

and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 106913**

which shall be certified against such contract in the sum of Thirty Three Thousand Eight Hundred Eighty Five and 60/100 Dollars (\$33,885.60).

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, but not to exceed a total of \$35,000.00 including the amount of the initial purchase hereunder, as may be ordered under subsequent requisitions separately certified against said contract.

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

Nays: None.  
Absent: Directors Sheperd and Guzman.

**Resolution No. 782-01.**

By Director Miller.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company for the public improvement of Halloran Park Aquatic Playground & Site Improvements, for Base Bid Items #1 - #50, #52 - #54 and Alternate Item #A4 including the 5% contingency, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on September 7, 2001, pursuant to the authority of Ordinance No. 79-01, as amended by Ordinance Nos. 1077-01 and 1822-01, passed on May 21, 2001, June 19, 2001 and September 24, 2001, respectively, upon a unit basis for the improvement in the aggregate amount of Five Hundred Four Thousand, One Hundred Twenty Nine and 68/100 Dollars (\$504,129.68), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties 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 foregoing authorization to enter into a contract with R. DiLillo & Company is contingent upon the City first executing an agreement with the State of Ohio Department of Administrative Services for the grant funds necessary to implement said Halloran Park Aquatic Playground & Site Improvements.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R. DiLillo & Company for the aforementioned public improvement hereby is approved:

<u>Subcontractors</u>	<u>Responsibility</u>
Tech Ready Mix	(MBE) Concrete
Barrow Sign	(FBE) Signage

Yeas: Directors Carr, Clark, Acting Directors Brown, DeVaul, Direc-

tors Whitlow, Miller, Hudecek, Patterson, Warren and Alexander.

Nays: None.

Absent: Directors Sheperd and Guzman.

**Resolution No. 783-01.**

By Director Miller.

Resolved, by the Board of Control of the City of Cleveland that the bid of Graham Enterprises, d.b.a. Aries Distribution for an estimated quantity of De-Icer (All Items), for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one (1) year beginning with the date of execution of a contract received on September 7, 2001, pursuant to the authority of Ordinance No. 548-01, passed April 30, 2001, which on the basis of the estimated quantity would amount to Twenty Nine Thousand Nine Hundred Ninety Nine and 97/100 Dollars, (\$29,999.97), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 106911

which shall be certified against such contract in the sum of Twenty Nine Thousand Nine Hundred Ninety Nine and 97/100 Dollars (\$29,999.97).

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, but not to exceed a total of \$30,000.00 including the amount of the initial purchase hereunder, as may be ordered under subsequent requisitions separately certified against said contract.

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

Nays: None.

Absent: Directors Sheperd and Guzman.

**Resolution No. 784-01.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No(s). 127-17-003 and 127-17-004 under said Land Reutilization Program; and

Whereas, Ordinance No. 1493-01 passed October 15, 2001, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Burten, Bell, Carr Development, Inc. has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1493-01 passed October 15, 2001, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development, Inc. for the sale and develop-

ment of Permanent Parcel No(s). 127-17-003 and 127-17-004, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: Directors Sheperd.

**Resolution No. 785-01.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 131-25-011 (Balance of) located on corner of Woolen and Recreation Courts in Ward 12; and

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

Whereas, The Boys and Girls Club of Cleveland, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with The Boys and Girls Club of Cleveland for the sale and development of Permanent Parcel No. 131-25-011 (Balance of) located on Woolen and Recreation Courts, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

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

Nays: None.

Absent: Directors Sheperd.

**Resolution No. 786-01.**

By Director Sheperd.

Resolution by the Board of Control of the City of Cleveland, that all bids received on September 21, 2001, for The Public Improvement of North Terminal Expansion/Upper Roadway Project for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance Nos. 920-2000 and 918-2000, passed by the Council of the City of Cleveland on June 19, 2001 be, and the same are hereby rejected.

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

Nays: None.

Absent: None.

**Resolution No. 787-01.**

By Director Sheperd.

Resolved, by the Board of Control of the City of Cleveland that all bids received on August 24, 2001 for the Public Improvement of Ground Water Control Collect And Disposal, also known as the Trench Water Management Services, for the Division of Cleveland Hopkins International Airport, Department of Port Control pursuant to the authority of Ordinance No. 1123-01, passed by the Council of the City of Cleveland on June 18, 2001, be and the same are hereby rejected.

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

Nays: None.

Absent: None.

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, NOVEMBER 12, 2001**

**9:30 A.M.**

**Calendar No. 01-266:** 13404 Coit Road (Ward 10)

Delonte Rollins, owner, appeals to change the use of an existing one-story masonry tavern and approximate 65' x 120' irregular shaped parcel located in a Two-Family District into an auto sales lot located on the southeast corner of East 134th Street and Coit Road at 13404 Coit Road; said change of use being contrary to the Residential District Requirements of Section 337.03 where used car lot is not permitted in a Two-Family District but first permitted in a General Retail Business District as stated in Section 343.11 and Section 343.11(b)(2)(I)(4) where used car lots must maintain a 1 1/2 barrier at the setback line behind which all vehicles, advertising, and parking must be kept back and no barrier is proposed and contrary to the Specific Use Regulations of Section 347.11 where a used car lot must be 60' in width and the south end of the parcel is 23' in width and contrary to the Landscaping and Screening Requirements of Section 352.10 where a 4' wide landscape strip is required where the proposed lot abuts the street and a 10' wide transition strip is required where the proposed lot abuts a Residential District and no landscaped strip is proposed and contrary to the substitution of non-conforming use limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 01-269:** 1828 East 27th Street (Ward 13)

Jim Denkins, owner, appeals to construct a parking lot for 103 parking spaces on an approximate 503' x 103' irregular shaped parcel located in a Semi-Industrial District on the northwest corner of East 27th Street and Chester Avenue at 1828 East 27th Street; said construction being contrary to the Landscaping and Screening Requirements of Section 352.10 where a 6' wide frontage strip is required between the parking lot and East 27th Street and Section 352.10(e) where a minimum area of 100 sq. ft. island is required to separate every 20 parking spaces and none is proposed and contrary to the Fence Regulations where a 4'-6" height fence is proposed and the maximum height allowed is 4' as stated in Section 358.05 of the Codified Ordinances.

**Calendar No. 01-270:** 8415 Broadway Road (Ward 2)

Community Assessment, owner, c/o Anne M. Gurchik, tenant, appeals to change the use of an existing approximate 89' x 188' one-story auto dealership building into a Correctional Halfway House and substance abuse treatment center for 70 residence and 40 outpatients all situated on an approximate 247' x 220' irregular shaped parcel located in a General Retail Business District and Semi-Industrial District on the northwesterly corner of Harvard Avenue and Broadway Avenue at 8415 Broadway Avenue; said change

of use being contrary to the Specific Use Regulations of Section 347.15(b), (c) where establishment of a Correctional Halfway House requires Board of Zoning Appeals approval and Section 347.15(d) where a Correctional Halfway House cannot be located within 500' of a Residential District and the proposed use is within 500' of East 79th, 80th, and 81st streets all residential and is within 500' of Holy Name Church and Holy Name Elementary School at 8328 Broadway Avenue and 19 parking spaces are provided and 65 are required as stated in Section 347.15(g) of the Codified Ordinances.

**Calendar No. 01-271:** 4694 West 145th Street (Ward 20)

Timothy M. Nook, owner, appeals to construct a 12' x 16' deck to the rear of an existing approximate 59' x 61' residential house located on an approximate 76' x 129' irregular shaped parcel located in a Two-Family District on the south side of West 145th Street at 4694 West 145th Street; said construction being contrary to the Yards and Courts Requirements where a 14' rear yard setback is provided and 20' is required as stated in Section 357.08(a)(2) Codified Ordinances.

**Calendar No. 01-272:** 2626 East 127th Street (Ward 6)

Lajos Torkos, owner, appeals to construct a 10' x 25' porch addition to the front of an existing approximate 25' x 40' residential house located on an approximate 47' x 166' parcel located in a Two-Family District on the west side of East 127th Street at 2626 East 127th Street; said construction being contrary to the Yards and Courts Requirements where a 10' enclosed porch projection is proposed and enclosed porches shall not project more than 4' and do not aggregate a vertical area in any story more than 20% of the area of the facade in that story.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, OCTOBER 29, 2001**

At the meeting of the Board of Zoning Appeals on Monday, October 29, 2001, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 01-247:** 6415 West Clinton Avenue

Bethany Presbyterian Church, owner, c/o John Rakauskas, agent, appeals to expand the use of an existing one-story masonry church into a day-care in a Multi-Family District.

**Calendar No. 01-242:** 9614 Denison Avenue

Iglesia Pentecostal, owner, c/o Francisco Rosario, agent, appeals to change the use of an existing masonry building from one-dwelling and a store into a church and a dwelling located in a Multi-Family District.

The following appeal was **Approved Conditionally:**

**Calendar No. 01-279:** 5811 Archmere Avenue

Shelley Patena, owner, appeals to construct a garage to the south of a parcel located in a Two-Family District.

The following appeals were **Denied:**

**Calendar No. 01-261:** 5909 Hosmer Avenue

Cynthia Mazza, owner, appeals to install approximately 60 linear feet of 6' high wood privacy fencing with a gate to the east of a parcel located in a Two-Family District.

**Calendar No. 01-229:** 9918 Elk Avenue

Classic Funding LLC, owner, appeals to construct a second story addition to an existing nonconforming one and one-half story dwelling house located in a Two-Family District.

The following appeal was **Withdrawn:**

**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 from being denied, upon the recommendation of the Chief of the Cleveland Police Division, a handgun registration.

The following appeal was **Dismissed:**

**Calendar No. 01-246:** 16405 Trafalgar Avenue

Henry Masten, owner, appeals to change the use of an existing 2-dwelling unit house into 3-dwelling units located in a Two-Family District.

The following appeal was **Postponed:**

**Calendar No. 01-263:** 3304 East 126th Street postponed to November 12, 2001.

**On Monday, October 29, 2001, in Executive Session:**

The following appeals were heard on Monday October 22, 2001, and said decisions were approved and adopted by the Board on October 29, 2001:

The following appeals were **Approved:**

**Calendar No. 01-230:** 603 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 85' corner parcel located in a B1-Multi-Family District.

**Calendar No. 01-231:** 609 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 104' parcel located in a B1-Multi-Family District.

**Calendar No. 01-232:** 615 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 104' parcel located in a B1-Multi-Family District.

**Calendar No. 01-233:** 621 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 104' parcel located in a B1-Multi-Family District.

**Calendar No. 01-234:** 627 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 104' parcel located in a B1-Multi-Family District.

**Calendar No. 01-235:** 705 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 85' corner parcel located in a B1-Multi-Family District.

**Calendar No. 01-236:** 711 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 85' parcel located in a B1-Multi-Family District.

**Calendar No. 01-237:** 717 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 85' parcel located in a B1-Multi-Family District.

**Calendar No. 01-238:** 723 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 85' parcel located in a B1-Multi-Family District.

**Calendar No. 01-239:** 729 University Road

Tremont Ridge Phase I Limited Partnership, owner, c/o Keith Sutton appeals to construct a 20' x 28' three-story, one family dwelling house on an approximate 28' x 85' corner parcel located in a B1-Multi-Family District.

**Calendar No. 01-249:** 5514 Bridge Avenue

Bridge Housing Corporation, owner c/o Jeff Ramsey, owner, appeals to construct a 15.33' x 38' three-story, one family dwelling house on an approximate 28' x 80' located in a C1-Multi-Family District.

**Calendar No. 01-250:** 5516 Bridge Avenue

Bridge Housing Corporation, owner c/o Jeff Ramsey, owner, appeals to construct a 15.67' x 38' three-story, one family dwelling house on an approximate 15' x 80' located in a C1-Multi-Family District.

**Calendar No. 01-251:** 5600 Bridge Avenue

Bridge Housing Corporation, owner c/o Jeff Ramsey, owner, appeals to construct a 15.67' x 38' three-story, one family dwelling house on an approximate 15' x 80' located in a C1-Multi-Family District.

**Calendar No. 01-252:** 5602 Bridge Avenue

Bridge Housing Corporation, owner c/o Jeff Ramsey, owner, appeals to construct a 15.67' x 38' three-story, one family dwelling house on an approximate 15' x 80' located in a C1-Multi-Family District.

**Calendar No. 01-253:** 5604 Bridge Avenue

Bridge Housing Corporation, owner c/o Jeff Ramsey, owner, appeals to construct a 15.67' x 38' three-story, one family dwelling house on an approximate 15' x 80' located in a C1-Multi-Family District.

**Calendar No. 01-254:** 5606 Bridge Avenue

Bridge Housing Corporation, owner c/o Jeff Ramsey, owner, appeals to construct a 15.33' x 38' three-story, one family dwelling house on an approximate 15' x 80' located in a C1-Multi-Family District.

**Calendar No. 01-267:** 1905 Eglindale Avenue

MetroHealth Medical Center, owners, c/o Gregory Shumate, agent, appeals to construct a 94 space accessory parking lot on an irregular triangular shaped acreage parcel located in a Two-Family District.

**Calendar No. 01-92:** 10519 Madison Avenue

John F. McManus, owner, appeals to change the use of an existing 60' x 60' one-story former service station building into a repair garage for car cleaning, quick lube and oil change with minor repairs, all located in a General Retail Business District.

The following appeal was **Approved Conditionally:**

**Calendar No. 01-224:** 12605 Buckeye Road

Jose Hilbert, owner, appeals to change the use of an existing approximate 72' x 88' one-story masonry drug store building into a restaurant all situated on an 80' x 137' parcel located in a Local Retail Business District.

The following appeal was **Denied:**

**Calendar No. 01-220:** 4200-4201 Jennings Road

Martin Enterprises, owner, c/o Robert McIntyre, agent, appeals from a violation notice dated 7-11-01 from the Department of Community

Development and the Division of Building and Housing where all materials stored in this district must be stored inside the building.

The following appeal was **Withdrawn:**

**Calendar No. 01-219:** 4200-4201 Jennings Road

Martin Enterprises, owner, c/o Robert McIntyre, agent, appeals from a violation notice dated 7-11-01 from the Department of Health and the Division of Environment to remove all waste and litter from the ground and to abate the nuisance of refuse and/or junk, garbage, tires, offal, and/or other waste at the address of 4200-4201 Jennings Road.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
October 24, 2001

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

\* \* \*

**Docket A-48-00 to A-56-00.**

RE: Appeal of Zaremba Cleveland Communities Inc., Owners of the One Dwelling Unit Brick/Frame Residential Properties located on the premises known as 1954-76 East 82nd Street from a NOTICE OF VIOLATION/NO PERMIT/NO INSPECTION of the Commissioner of the Division of Building and Housing, dated March 27, 2000, 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 1954-76 East 82nd Street to the Division of Building and Housing at this time for supervision and any required further action, noting the agreement between the contractor and the home owners. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.  
Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

\* \* \*

**Docket A-117-01.**

RE: Appeal of Kerry Chelm & Chelm Properties Management, Owner of the Property located on the premises known as 246 East 131st Street from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated June 18, 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 246 East 131st Street to the Division of Fire for supervision and any required further action.



Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

\* \* \*

**Docket A-127-01.**

RE: Appeal of Kiser Houston, Owner of the Two Story Masonry Semi-Industry Auto Wrecking Property located on the premises known as 1154 East 134th Street (a.k.a. 1154-60 East 134th Street) from a 30 DAY DETERIORATED CONDEMNATION ORDER—MS of the Commissioner of the Division of Building and Housing, dated July 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 modify the Commissioner's 30 DAY DETERIORATED CONDEMNATION ORDER—MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two (2) months in which to obtain all the necessary permits, for abatement of the violations, and to require that the Appellant cease use of the property until the property has been brought up to minimum code compliance with the approval of the Building Department. Upon passage of this motion, this matter shall be REMANDED at this time 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. Saunders.

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

\* \* \*

**Docket A-146-01.**

RE: Appeal of Michael P. Cherek, Owner of the Two Story Residential Frame Property located on the premises known as 3724 Cypress Avenue from a NOTICE OF VIOLATION—EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated August 9, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-146-01 has been POSTPONED; to be rescheduled for November 7, 2001.

\* \* \*

**Docket A-149-01.**

RE: Appeal of Christopher A. Giannini, Owner of the One Family Residential Property located on the premises known as 10906 Linnet Avenue from a NOTICE OF CONFORMANCE of the Commissioner of the Division of Building and Housing dated September 17, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the swimming pool to be installed as indicated, noting the letters of concurrence from the adjacent neighbors and the code

compliance of the overhead electrical wiring; and to require that the Appellant appeal to the Board of Zoning Appeals on the issue of the deck. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

\* \* \*

**Docket A-159-01.**

RE: Appeal of Rockwell Title Agency, Inc., Trustee, Owner of the Property located on the premises known as 645 Prospect Avenue from a NOTICE OF VIOLATION—FIRE CODE of the Chief of the Division of Fire, dated August 30, 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 645 Prospect Avenue to the Division of Fire for supervision and any required further action, noting that the Appellant will submit drawings to obtain permits showing the location and accessibility to the man-door with padlock to be installed with the approval of the Fire and Building Departments. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

\* \* \*

**Docket A-161-01.**

RE: Appeal of Wayne A. Speed, Owner of the Two & One-half Story Wood Frame Residential Property located on the premises known as 819 Lakeview Road (a.k.a. 819-21 Lakeview Road) from a VACATE ORDER/30 DAY CONDEMNATION ORDER — MS/EXTERIOR MAINTENANCE/ILLEGAL USE dated October 11, 2001 of the Commissioner of the Division of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE ORDER/30 DAY CONDEMNATION ORDER — MS/EXTERIOR MAINTENANCE/ILLEGAL USE and LETTER OF INTENTION TO DEMOLISH by upholding the VACATE ORDER for the third floor and requiring it to remain vacant; to require that the Building Department be allowed to enter the premises within the next three (3) to four (4) days for a team inspection of the property; to require the Appellant to obtain all necessary permits and abate the heating and electrical code violations within two (2) weeks. Upon passage of this motion, this matter shall be REMANDED at this time 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. Saunders.

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

**Docket A-166-01.**

RE: Appeal of Cuyahoga County Commissioners, owner of the One Story Industrialized Unit located on the premises known as 7001 Euclid Avenue from an ADJUDICATION ORDER the Commissioner of the Division of Building and Housing, dated June 18, 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 a temporary waiver and permit the trailer to be used and remain on the property no longer than twelve (12) months; that the existing concrete for the frost step will suffice; noting that the smoke detectors, call buttons, and controls are in working condition; that the overhead doors be locked outward; and that the two layers of 5/8" temporary drywall partitions be used as firewall protection. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

\* \* \*

**APPROVAL OF RESOLUTIONS**

Separate motions were entered by Mr. Saunders and seconded by Mr. Williams 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):

- L-17-01—Edward J. Gavin Sr.
  - L-18-01—Joel E. Reynolds.
  - A-134-01—Victor Pavlovic.
  - A-135-01—Union Beverage and Deli, Inc.
  - A-136-01—M & M Braun Associates.
  - A-137-01—Charles C. Pearson.
  - A-140-01—Monroe Perry & Bob Perry.
  - A-151-01—Denison Homes Corporation.
  - A-152-01—Malachi House.
  - A-153-01—Jerry Szoka.
- Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
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):

October 10, 2001

Yeas: Messrs. Sullivan (Acting Chairman), Williams, Saunders.  
Nays: None.

EUGENE CRANFORD, JR.,  
Secretary

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

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

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**WEDNESDAY, NOVEMBER 7, 2001**

**Computer Hardware**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1863-2000.

**Dry Cell Batteries**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1064-01, passed by the Council of the City of Cleveland, July 18, 2001.

October 24, 2001 and October 31, 2001

**WEDNESDAY, NOVEMBER 14, 2001**

**Labor and Materials Necessary to Apply Asphalt, Concrete and Tack Coat to Repair Roadways and Runways, Including Delivery, Spreading, Grinding and Compaction**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1069-99 passed by the Council of the City of Cleveland, June 14, 2001.

**Copper Pipe**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1630-92 passed by the Council of the City of Cleveland, September 21, 2001.

**Testing, Inspection and Repair of Bucket and Derrick Trucks**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1050-01, passed by the Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON TUESDAY, NOVEMBER 6, 2001 AT 10:00 A.M. AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

October 24, 2001 and October 31, 2001

**THURSDAY, NOVEMBER 15, 2001**

**Rental of Golf Carts**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 80-01 passed by the Council of the City of Cleveland, April 9, 2001.

**Elgin Sweeper Parts and Labor if Necessary**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 369-01, passed by the Council of the City of Cleveland, April 9, 2001.

October 24, 2001 and October 31, 2001

**FRIDAY, NOVEMBER 16, 2001**

**Lecterns**, 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.

**8' x 30' Tables and Dollies (Caddies)**, for the Various Divisions of the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1205-2000, passed May 21, 2001.

October 24, 2001 and October 31, 2001

**FRIDAY, NOVEMBER 16, 2001**

**North Terminal Expansion/Upper Roadway Rehabilitation Project**, for the Division of Cleveland International Airport, Department of Port Control.

THERE WILL BE A NON-REFUNDABLE PAYMENT OF FOUR HUNDRED FIFTY DOLLARS (\$450.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER. THERE WILL BE A PRE-BID MEETING ON WEDNESDAY, NOVEMBER 7, 2001 AT 10:00 A.M. TO 12:00 P.M. AT THE PROGRAM MANAGEMENT TEAM (PMT) CONFERENCE ROOM, 19501 FIVE POINTS, CLEVELAND, OHIO 44135 (LOCATED AT THE SE CORNER OF CARGO RD. AND FIVE POINTS RD.). PLEASE FAX ANY COMMENTS AND/OR QUESTIONS OVER TO THE ATTENTION OF DEBORAH MIDGETT AT (216) 664-2177.

October 31, 2001 and November 7, 2001

**WEDNESDAY, NOVEMBER 21, 2001**

**Labor and Materials for the Installation, Maintenance and Repair of Fencing**, for the Various Division

of the Department of Port Control, as authorized by Ordinance 949-99, passed by the Council of the City of Cleveland, June 14, 2001.

**HVAC/R Controls & Equipment**, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 890-99.

**Turnout Clothing**, for the Division of Fire, Department of Public Safety, as authorized by Section No. 135.06 of the Codified Ordinances.

October 31, 2001 and November 7, 2001

**THURSDAY, NOVEMBER 22, 2001**

**Painting of Streetside Elements**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 616-01, passed by the Council of the City of Cleveland, May 21, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON NOVEMBER 8, 2001 AT 10:00 A.M., LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

**Labor, Material, Equipment Necessary to Furnish Certain Areas of Courts**, for the Department of Cleveland Municipal Court.

**Keypunch Services**, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 744-01, passed by the Council of the City of Cleveland, June 11, 2001.

October 31, 2001 and November 7, 2001

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1990-01.**  
**By Councilman Britt.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2 and D6 Liquor Permit to 1931 Colman Rd., 1st Fl., and repealing Res. No. 1330-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2 and D6 Liquor Permit to 1931 Colman Rd., 1st Fl. by Res. No. 1330-2000 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 D1, D2 and D6 Liquor Permit to 1931 Colman Rd., 1st Fl., be and the same is hereby withdrawn and Res. No. 1330-2000, 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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1991-01.**  
**By Councilman Cimperman.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 761 Starkweather Ave., 1st Fl. & Bsmt., and repealing Res. No. 1438-2000 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 761 Starkweather Ave., 1st Fl. & Bsmt. by Res. No. 1438-2000 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 C1 and C2 Liquor Permit to 761 Starkweather Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1438-2000, 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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1992-01.**  
**By Councilman Cintron.**  
**An emergency resolution objecting to the issuance of ownership of a D3A Liquor Permit to 3355 West 46th Street.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a D3A Liquor Permit to Permit No. 9256090, Verlies Café Inc., 3355 West 46th Street, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a D3A Liquor Permit to Permit No. 9256090, Verlies Café Inc., 3355 West 46th Street, Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1993-01.**  
**By Councilman Coats.**  
**An emergency resolution declaring Council's concern about the possible existence of mustard agent located at the former Cleveland Plant at 340 East 131st Street in Ward 10, and urges the responsible federal agencies to expeditiously conduct epidemiological studies to assess the health conditions of the residents of the area.**

Whereas, the former Cleveland Plant, located at 340 East 131st Street in Ward 10 of the City of Cleveland, was established as a research facility for the purpose of developing the process for large-scale manufacturing of mustard gas, a chemical warfare agent; and

Whereas, it was recently learned that the site produced mustard agent between March and November,

1918, and that the chemical was buried at the neighborhood site; and

Whereas, the US Army Corps of Engineers has completed an Archive Search Report and a Historical Photographic Analysis to identify the property's potential areas of environmental concern; and

Whereas, this Council became aware of this potentially dangerous matter only through media reports, as opposed to direct contact by the responsible federal officials; and

Whereas, the Corps of Engineers will be conducting soil and site evaluations that may take as long as two years, and

Whereas, this Council strongly urges the responsible investigating agencies to conduct epidemiological studies on the existing and potential health hazards to the residents in the vicinity of the former Cleveland plant; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety of the citizens of the City of Cleveland; now, therefore,

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

**Section 1.** That this Council declares its concern about the possible existence of mustard agent located at the former Cleveland Plant at 340 East 131st Street in Ward 10, and urges the responsible federal agencies to expeditiously conduct epidemiological studies to assess the health conditions of the residents of the area.

**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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1994-01.**  
**By Councilman Coats.**  
**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 831 East 140th Street.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 East 140th Street, Cleveland, Ohio 44110 to Permit No. 8773177, T & N Beverage Inc., 831 East 140th Street, Cleveland, Ohio 44110; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 East 140th Street, Cleveland, Ohio 44110 to Permit No. 8773177, T & N Beverage Inc., 831 East 140th Street, Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1995-01.**

**By Councilman Reed.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 3744 East 144th Street, 1st Fl., and repealing Res. No. 1643-01 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 3744 East 144th Street, 1st Fl. by Res. No. 1643-01 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 C2 and C2X Liquor Permit to 3744 East 144th Street, be and the same is hereby withdrawn and Res. No. 1643-01, 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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1996-01.**

**By Councilman Willis.**

**An emergency resolution declaring Council's concern and opposition to the decision of the Cleveland Indians to broadcast its games exclusively on cable television for the 2002, 2003 and 2004 baseball seasons.**

Whereas, the Cleveland Indians baseball team recently announced that it will broadcast its games exclusively on cable television for the 2002, 2003 and 2004 baseball seasons; and

Whereas, the Indians have been on broadcast, or free, television since 1948; and

Whereas, such decision by the Indians prevents many residents of the city from viewing the baseball games since over one-half of the residences in Cleveland do not have cable television; and

Whereas, since a bulk of the funding for Jacobs Field came from public sources and ticket prices continue to increase, this Council is disappointed in the decision of the Indians to exclude the public from participating in the national past-time by viewing the games; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety of the citizens of the City of Cleveland; now, therefore,

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

**Section 1.** That this Council declares its disappointment and opposition to the decision of the Cleveland Indians to broadcast its games exclusively on cable television for the 2002, 2003 and 2004 baseball seasons and urges the team owners to reconsider this ill-considered decision.

**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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$46,195 from the Office of Criminal Justice Services - Byrne Memorial Grant, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purpose set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 1343-01-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$15,399, from Fund No. 01-639905-500300, is hereby approved in all respects.

**Section 3.** That the Director of Public Health is hereby authorized to enter into contract with Community Re-entry, Inc., for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance and from the cash matching funds identified in Section 2 of this ordinance.

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

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in

the amount of \$100,000, from the Ohio Minority Health Commission, to conduct the Just Chillin' Club Grant, for the purposes set forth in the budget narrative and project abstract and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the budget narrative and project abstract for said grant.

**Section 2.** That the budget narrative and project abstract for said grant, File No. 1344-01-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1365-01.**  
**By Councilman Westbrook.**  
**An emergency ordinance to vacate a portion of West 68th Street hereinafter described.**

Whereas, on the 12th day of June 2000, the Council of the City of Cleveland adopted Resolution No. 377-2000 declaring, its intention to vacate a portion of West 68th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 377-2000 has been served upon the owners of all the property abutting West 68th Street affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of April, 2001, the Board of Revision of Assessments approved the vacation of West 68th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 68th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of West 68th Street (50.00 feet wide) extending Southerly from a point which is 46 feet Southerly from the Easterly prolongation of the center line of Camden Avenue (30 feet wide) to its Southerly terminus, be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland easements or charges to the Division of Water, Dominion East

Ohio Gas, Division of Fire, and the Division of Cleveland Public Power for existing equipment.

The description of the easement is as follows:

That portion of West 68th Street (50 feet wide) extending Southerly from a point which is 46 feet Southerly from the Easterly prolongation of the Center line of Camden Avenue (30 feet wide) to its Southerly terminus.

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

**Section 3.** That the Clerk of Council be and is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 68th Street, herein provided by sending him a copy of this Ordinance.

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

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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.**

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 declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvement in accordance with plans, specifications and estimates approved by the County: replacing the Schaaf Road (CR-97) Bridge No. 6:034 over the CSXT railroad (the "Improvement").

**Section 2.** That the City hereby proposes to cooperate with the County in the cost of the Improvement by cooperating to the extent of funds received by an allocation from the County Motor Vehicle \$5.00 License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for said Improvement.

**Section 3.** That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

**Section 4.** That upon completion of the Improvement, the City thereafter will:

a) Keep the affected highway open to traffic at all times;

b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

**Section 5.** a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participa-

tion will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvement shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

**Section 6.** That the Council of the City hereby requests the Board to County Commissioners to proceed with the Improvement.

**Section 7.** That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the Council will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said additional construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said additional construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

**Section 8.** That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

**Section 9.** That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

**Section 10.** That the Clerk of Council is hereby authorized and directed to transmit to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

**Section 11.** 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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1498-01.**  
**By Councilmen Gordon and Patton (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.

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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.**

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). 114-31-034, as more fully described below, to David G. Swintek.

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

P. P. No. 114-31-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 23 in the Elworthy-Helwick Company's Bungalow Park Allotment No. 2 of part of Original Euclid Township Track No. 14, as shown by the recorded plat in Volume 69 of Maps, Page 40 of Cuyahoga County Records, and being a triangular shaped parcel of land having a frontage of 127.88 on the Easterly curved side of Shelton Drive, N.E., and extending back 67.5 feet on the Northeasterly line, and 99.78 on the Southeasterly line, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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 authorized 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.

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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 Northeasterly 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.

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1508-01.**  
**By Councilmen Rybka and Pat-**  
**mon (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.

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**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.**

Whereas, pursuant to Ordinance No. 1759-85, passed June 24, 1985, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 35620 with the Young Men's Christian Association for the rental of the Broadway YMCA facilities located at 11300 Miles Avenue for the purpose of providing recreational facilities and activities for the City's youth; and

Whereas, pursuant to various ordinances, this Council authorized modifications to the Lease Agreement; and

Whereas, the City wishes to further modify said Agreement; 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 Parks, Recreation and Properties is hereby authorized to enter into a

sixteenth amendment to Lease Agreement No. 35620 with the Young Men's Christian Association ("YMCA") for the continued rental of the Broadway YMCA facilities located at 11300 Miles Avenue, Cleveland, Ohio, 44105 for the purpose of providing recreational facilities and activities for the City's youth and the continued utilization of the Broadway YMCA gymnasium for a youth basketball program.

**Section 2.** That said sixteenth amendment shall extend the term of the agreement for one year to December 31, 2001, and in consideration for the extension of the term, the City shall pay the YMCA an additional rental of \$55,000, for a total rental for the term, as extended, of \$895,000. Said extension shall be paid from Fund No. 01-700401-638000, Request No. 32611.

**Section 3.** That said sixteenth amendment shall be prepared and approved by the Director of Law and shall contain such provisions as the Director of Law shall deem necessary to protect the public interest.

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

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1729-01.**  
**By Councilmen Cintron and Pat-**  
**mon (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.**

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 505.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 837-2000, passed July 17, 2000, is hereby amended to read as follows:

**Section 505.11 Duty to Repair Sidewalks, Curbs and Gutters; Duty to Maintain Certain Sidewalks; Liability**

(a) No owner or occupant of abutting lots or lands shall fail to keep the sidewalks, curbs, and gutters in repair and free from snow, ice or any nuisance. (RC 723.011)

(b) In addition to the duty contained in division (a) of this section, no owner or occupant of abutting lots or lands which are used, in whole or in part, for the operation of a business, or which previously have been used for the operation of a business and are now vacant, shall maintain sidewalks with the characteristics contained in division

(a) of Section 505.12. As used in this division, "business" means any enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, association, corporation or any other entity, but not including the rental of residential premises.

(c) An owner or occupant of abutting lots or lands who fails to comply with division (a) or, if applicable, division (b) of this section:

(1) shall be liable in money damages to any person who, as a result of such owner's or occupant's failure to comply, sustains bodily injury or property damage while in the lawful use of the sidewalk (an "injured party"); and

(2) shall be liable to and reimburse the City for all money paid by the City on any claim made or judgment obtained against the City by an injured party.

(d) When the Director of Public Service determines that an owner fails to keep the sidewalks, curbs, and gutters in repair because those sidewalks have one or more of the characteristics set forth in division (a) of Section 505.12, the Director shall serve or cause to be served upon such owner a notice which states in detail the nature of the violation. The notice shall also contain an estimate of the cost to repair the sidewalk, curb, or gutter and shall notify the owner that he may submit payment of the estimated amount, which amount shall be the full amount unless there exists a properly authorized program subsidizing these repair costs, to the City by a certain date and enter into an agreement with the City to effectuate the repairs. Funds submitted as an estimated amount shall be deposited in fund No. 10 SF 057 and said funds are appropriated for sidewalks, curb or gutter repair purposes. Upon receipt of the estimated amount and the agreement, the City will construct or repair the sidewalk. If the actual cost of construction or repair is not equal to the estimated amount, the City will bill the owner for any additional cost or reimburse the owner from Fund No. 10 SF 057 for any amount paid to the City that exceeds the actual cost. The agreement required above shall contain such terms and provisions as determined by the Director of Law to protect and benefit the City. This notice is not a substitute for the notice described in division (b) of Section 505.12, but may be issued with that notice.

**Section 2.** That existing Section 505.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 837-2000, passed July 17, 2000, is hereby repealed.

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

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.



**Ord. No. 1735-01.**  
**By Councilmen Jackson and Pat-**  
**mon (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.**

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 1 and 3 of Ordinance No. 615-01, passed May 14, 2001, are hereby amended to read, respectively, as follows:

**Section 1.** That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of \$2,758,890.99 from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 3.** That the cost of said contracts shall not exceed, in the aggregate, \$2,758,890.99, and shall be paid from Fund Nos. 13 SF 925, 13 SF 926, 13 SF 927 and 13 SF 928.

**Section 2.** That existing Sections 1 and 3 of Ordinance No. 615-01, passed May 14, 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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1736-01.**  
**By Councilmen Jackson and Pat-**  
**mon (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 Char-

ities, 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.

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1748-01.**  
**By Councilmen Rybka and Pat-**  
**mon (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 Pur-

chases 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.

Passed October 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1987-01.**  
**By Councilman Johnson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Kenneth Aguolu)**

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: Kenneth Aguolu.

**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 22, 2001.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1988-01.**  
**By Councilman Jones.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 1. (Seti Martinez)**

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 1; 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 1: Seti Martinez.

**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 22, 2001.  
 Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1989-01.**  
**By Councilmen Polensek and Westbrook.**

**An emergency ordinance to repeal Sections 670B.01 through 670B.08 and 670B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 933-A-97 passed June 16, 1997, and to supplement said ordinances by enacting new Sections 670B.01 through 670B.08 and 670B.99 thereof, relating to outdoor pay telephones, and to amend Sections 3109.02, 325.71 and 349.05 of the Codified Ordinances of Cleveland, Ohio, 1976 as enacted by various ordinances.**

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 670B.01 through 670B.08 and 670B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 933-A-97, passed June 16, 1997 are hereby repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are

hereby supplemented by enacting new Sections 670B.01 through 670B.08 and 670B.99 thereof, to read, respectively, as follows:

**Section 670B.01 Definitions**

As used in this chapter:

(a) "Director" means the Director of Finance or the Director's designee.

(b) "Commissioner" means the Commissioner of Assessments and Licenses or the Commissioner's designee.

(c) "Outdoor Pay Telephone" means any self-service, coin-operated, credit card-operated or other similar telephone that is available outdoors for use by the general public.

"Outdoor Pay Telephone" shall include outdoor pay telephone booths and stands, outdoor pay telephone drive-up and walk-up units, and outdoor pay telephones which are affixed to the exterior walls of a building or structure.

(d) "Owner" means a person in whom is vested ownership, dominion, control or title of an outdoor pay telephone.

(e) "Person" means any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind.

(f) "Public Property" means all City-owned property, and does not include the right-of-way of the City or property owned by a person other than the City.

(g) "Public right-of-way" means any way which has been deeded to the public or dedicated to the public use for pedestrian or vehicular travel, and does not include public property or property owned by a person other than the City.

(h) "Private property" means any property other than the public right-of-way or public property.

(i) "PUCO" means the Public Utilities Commission of Ohio.

(j) "Special telephone service features" include the blocking of incoming calls to a telephone, installation of telephones that do not permit "touch tone" dialing, restricting coin access to a telephone during late evening and night hours, and such other service features as are acceptable to the Director.

**Section 670B.02 Requirements for License and Contracts; Permits; Location Requirements**

(a) No person shall engage in the business of providing and installing outdoor pay telephones on private property, and no person shall install, place or maintain an outdoor pay telephone on private property, unless the owner has a biennial outdoor pay telephone license. This prohibition applies to any outdoor pay telephone installed prior to or after the effective date of this Chapter.

(b) No person shall engage in the business of providing and installing outdoor pay telephones in the public right-of-way, and no person shall install, place or maintain an outdoor pay telephone within the public right-of-way unless the owner of the telephone has entered into a biennial contract with the Director that grants to such owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way. This prohibition applies to any outdoor pay telephone installed prior to or after the effective

date of this Chapter. This prohibition also applies to any outdoor pay telephone that is attached to or mounted on a building or other structure when such telephone extends above or into the right-of-way, and any outdoor pay telephone located in the right-of-way that is attached to a building or structure by a wire or cable.

(c) No person shall engage in the business of providing and installing outdoor pay telephones on private property or in the right-of-way, and no person shall install, place or maintain an outdoor pay telephone on private property or in the right-of-way unless the owner has a biennial permit for each telephone installed, placed or maintained, issued in accordance with the requirements of this Chapter. Any permit issued, either pursuant to Chapter 670B or to a contract, prior to the effective date of this Chapter shall expire on the effective date of this Chapter, if it had not yet expired, though any fee paid for a permit that had not yet expired by its terms may be applied to any new permit for that owner.

(d) It shall be unlawful for any person to install, own or maintain, or to allow the installation or maintenance of, an outdoor pay telephone on private property or the public right-of-way under any of the following circumstances:

(1) On any vacant private property;

(2) On any private property where any or all buildings are vacant;

(3) On any private property that has a premises licensed for the sale of alcoholic liquor (other than beer or wine);

(4) In a residential use district as defined in the Zoning Code of the City, or within 50 feet of a residential dwelling unit in a residential use district;

(5) At a location where use from a vehicle is possible which would cause the vehicle to stand in a driveway or aisle in a parking lot or in the right-of-way;

(6) Within 5 feet of any area used for vehicular ingress or egress or an aisle way in a parking area for vehicular travel;

(7) Within 5 feet of the entrance or exit to any structure, a crosswalk, a bus shelter, a fire exit or escape, a mail box, parking meter, police or fire call box, traffic control box, fire hydrant or sidewalk elevator, or that blocks or restricts free passage of pedestrians or vehicles; or

(8) On any property or at any location that has been determined by the Director of Public Safety to create a nuisance based upon prior actual use.

(e) No dial tone provider shall provide dial tone to any outdoor pay telephone on private property or in the right-of-way without first verifying that the pay telephone has been permitted by the City pursuant to this Chapter.

(f) All outdoor pay telephones on private property or in the right-of-way must: automatically block all incoming calls and provide outgoing only service; prevent the use of pagers or beepers; use electric wiring, not telephone wire, for electric connections; be well lighted if available for use during hours between sunset and sunrise, which may include ambient lighting; and

be kept free from graffiti and stickers not placed by the owner, and kept clean.

(g) Any outdoor pay telephone placed or installed on private property or in the right-of-way shall be either a so-called "smart phone" equipped with a built in computer or a "smart line" phone, and shall have the capability to make the telephone inoperative for designated periods of time, to provide lists of each outgoing call as to the number called, its duration, and the date and time of the call, shall have built in volume control and shall have a key pad that prevents the use of pagers or beepers.

(h) No more than one pay telephone shall be placed or installed on private property within 500 feet of any other pay telephone on private property, and no more than one pay telephone shall be placed or installed in the right-of-way within 500 feet of any other pay telephone in the right-of-way.

(i) The 500 feet restrictions in this Section shall not apply to any retail gas service station. The 500 feet restrictions shall also not apply to: the Central Business District as defined in Section 325.12 of the Codified Ordinances; the Flats Oxbow Revitalization District; the University Circle institutional area defined as the area included within and bounded by both sides of East 105 Street, East Boulevard, Ford Road, and Euclid Avenue; Regional Transit Authority rapid stations and the adjacent right-of-way; hospitals, universities, and Cuyahoga Community College and the adjacent right-of-way; and strip shopping centers and the adjacent right-of-way. All other requirements of this Chapter apply to outdoor pay telephones in the areas named in this division.

(j) An owner may apply in writing to the Commissioner for an exemption from the 500 feet restriction to place multiple outdoor pay telephones at one location, due to a demonstrated appropriate use or need for additional outdoor pay telephones as a result of a high level of pedestrian and automobile traffic, and a concentration of heavy usage of pay telephones at that location. Any such application shall be referred to the Director of Planning for review and approval, and if so approved, shall be submitted to Council for action. If Council passes an ordinance approving the exemption, such ordinance shall be forwarded to the Commissioner who shall attach the approved exemption to the license of the owner or as an amendment to the owner's contract, and the owner then may apply for permits for additional phones, as approved.

(k) For the purposes of this section, the submission of a completed application for a permit for a telephone on private property or in the right-of-way, shall be considered a placement of a pay telephone.

#### **Section 670B.03 Contracts with Outdoor Pay Telephone Owners; Public Right-of-Way**

(a) Any owner may enter into a biennial contract with the Director that grants to the owner the privilege of installing and maintaining outdoor pay telephones in the public right-of-way for a period of two years, subject to the terms and conditions set forth in the contract and this Chapter.

(b) Any contract entered into pursuant to division (a) of this section must include as terms and conditions at a minimum all of the requirements of this Chapter applicable to pay telephones in the right-of-way; however, the City may impose additional requirements and restrictions on pay telephones in the right-of-way in the contract with an owner, but no such requirements may unnecessarily discriminate in favor of or against any owner.

(c) Owners with a contract to install telephones in the right-of-way shall apply for permits under Section 670B.05 for each telephone. All applications submitted for permits for the right of way within 30 days after the effective date of this Chapter shall be considered at the same time, and will be subject to a lottery, with each application chosen in order establishing the points of measurement for purposes of meeting the distance requirement. Applications for permits submitted after the 30th day after the effective date of this Chapter shall be given preference for purposes of determining compliance with the distance requirements in the order that they are received.

(d) The Director shall determine whether to approve the proposed location of all outdoor pay telephone to be installed and maintained in the right-of-way, and in doing so shall consider the following factors in addition to other requirements of this Chapter:

- (1) Possible obstruction of pedestrian and vehicular traffic;
- (2) The size of the telephone and any booth stand, or pole;
- (3) The ability to provide access by disabled persons;
- (4) The proliferation of visual clutter; and
- (5) Such other factors as are delineated in the contract.

(e) Any outdoor pay telephone installed and maintained in the right-of-way must:

- (1) Allow a "direct dial" of 911 without the need to first use a coin or a credit card or the need to dial the operator;
- (2) Have a functioning coin return mechanism;
- (3) Have affixed in a readily visible place a notice setting forth the name of the owner, the owner's telephone number for repair and the telephone number or serial number of the outdoor pay telephone;
- (4) Be maintained in a properly functioning, clean, neat and attractive condition, free of rust and free of danger of electrical shock;
- (5) Not be used for advertising signs or publicity of any sort; and
- (6) Be in full compliance with all state and federal laws and regulations, including this Chapter.

(f) The owner of each outdoor pay telephone shall hold the City harmless from any and all liability, for any reason whatsoever, occasioned upon the installation and use of such telephone, other than liability arising from any negligent act or omission which is solely attributable to the City, and shall furnish, at said owner's expense, such general commercial liability insurance as shall protect said owner and the City from all claims for damage to property or bodily injury, including death, which may arise from installation, maintenance and operation of the telephone or in connection there-

with. Such policy shall name the City as an additional insured, shall be in an amount to be determined by the Director but not less than one hundred thousand dollars (\$100,000) combined single limit for any injury to persons and/or damage to property, and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without thirty (30) days' prior written notice to the City. A certificate of such insurance shall be provided to the Director at the time of execution of the contract and shall be maintained before and during the installation of any telephone in accordance with the contract and throughout the period that the contract for any telephone is in effect.

#### **Section 670B.04 Biennial Outdoor Pay Telephone License Required**

(a) Prior to engaging in the business of installing, placing and maintaining outdoor pay telephones on private property in the City, and biennially thereafter, a person shall submit an application for a license, or the renewal of a license, to the Commissioner upon forms to be prescribed by the Commissioner. The application shall include the following information:

(1) The name, address, telephone number and federal tax identification or social security number of the person;

(2) The name, address and telephone number of the individual or other persons to whom the City shall serve in person or by mail any order required by Section 670B.05;

(3) An affidavit that the business will be and remain in compliance with all relevant City, State and federal laws and regulations and this Chapter;

(4) A disclosure of any violations, or license or permit suspensions or revocations, involving the business or licensee, with regard to pay telephone laws and regulations in other jurisdictions in which the business or licensee conducts a pay telephone business;

(5) Any other information as the Commissioner deems necessary to ensure compliance with this Chapter.

(b) One license application may be submitted regardless of the number of outdoor pay telephones the owner has or that will be installed. The application for and the issuance of a license do not authorize the person to install, place or maintain any outdoor pay telephone without a permit required by this Chapter.

(c) A biennial license fee of two hundred dollars (\$200.00) shall be submitted with the application. This license fee is for the purpose of defraying the expenses incident to the administration of the provisions of this Chapter.

(d) The owner shall promptly notify the Commissioner in writing of any change in the information required by division (a) of this section. Any misrepresentation or false information contained in a license application, and any failure to disclose information required by this Chapter, shall be considered a violation of this Chapter and the license, and may be the basis of a violation notice or a suspension or revocation of a license, permit or contract.

(e) A copy of each application for a license shall be provided by the Commissioner to the Director of Public Safety and the Clerk of Council. These officials shall notify the Director in writing of any objections to the license within ten business days after receiving the application.

(f) Upon receipt of a completed application that is in compliance with this Chapter and all required information and fees, the Commissioner shall issue to the owner an outdoor pay telephone license, except that a license may be denied if the applicant has a significant history of non-compliance with this Chapter, or if the applicant's license was revoked or an appeal of such a revocation was denied within the previous year.

**Section 670B.05 Biennial Outdoor Pay Telephone Permits Required**

(a) Prior to the installation or placement of an outdoor pay telephone on private property or in the right-of-way, and biennially thereafter, the owner of the telephone shall submit an application for a permit to the Commissioner upon forms to be prescribed by the Commissioner. The applicant may request that documents and information provided to the Commissioner be considered confidential and not public records by labeling such documents or information as "Confidential and Proprietary," and the Commissioner shall disclose such documents or information only to those parties to whom disclosure is necessary to carry out the provisions of this Chapter, unless otherwise required by law. The application shall include the following information:

(1) The name, address, telephone number and federal tax identification or social security number of the owner;

(2) The number of the owner's outdoor pay telephone license or contract, as applicable;

(3) The serial number or telephone number and dimensions of the outdoor pay telephone and any enclosure;

(4) A description of the services provided for the users of the outdoor pay telephone, including any special telephone features or restrictions;

(5) If the telephone was or will be placed, installed and maintained by a licensee, the name, address and telephone number of the property owner and any lessees of the property where the outdoor pay telephone is or will be located;

(6) A drawing of the location of the telephone for which the permit is requested and the location of any telephone within 500 feet of that telephone;

(7) A description of the source and brightness of lighting of the telephone by built-in or ambient lighting;

(8) Any other information as the Commissioner deems necessary to ensure compliance with this Chapter.

(b) A biennial permit fee of sixty dollars (\$60.00) per telephone installed or to be installed shall be submitted with the application. This permit fee is for the purpose of defraying the expenses incident to the administration of the provisions of this Chapter.

(c) The owner shall promptly notify the Commissioner in writing of any change in the information required by division (a) of this Section. The owner must submit a written notice of the removal of any telephone to the Commissioner prior to the removal. No refund of fees previously paid shall be made for telephones removed by the owner, the City or otherwise. If the owner plans to change the location of a telephone that is already permitted, or install a new phone at the same location, the owner must submit a new application for a permit and the fee to defray the expenses incident to the administration of the provisions of this Chapter. No additional fee or permit application is required to replace a broken or defective telephone, or to permanently relocate a telephone 10 feet or less once per permit period or to relocate a telephone temporarily on the same property for a period of less than 90 days. An owner must notify the Commissioner of any relocation allowed by this division within 30 days of the relocation.

(e) A copy of each application for a permit and any notice of a removal shall be provided by the Commissioner to the Director of Public Safety, the Director of Public Service, and the Council member in whose ward the telephone is proposed to be installed. The Commissioner shall refer each application for a permit to the Commissioner of Building and Housing for review and approval. The Commissioner of Building and Housing shall determine whether or not the provisions of the Building or Zoning Codes would be violated by the installation of the telephone, and particularly, set back requirements, use restrictions, restrictions as to attachments to structures, and if located in a parking lot, the Zoning requirement that a specified number of parking spaces be available for use by the business. These officials shall notify the Director in writing of any objections to the permit within ten business days after receiving the application.

(f) A permit application shall be disapproved if a telephone has been determined to be a nuisance pursuant to this Chapter within 500 feet of the proposed telephone location within the previous twelve months, and may be disapproved if the applicant has violated this Chapter within the previous one year.

(g) Upon receipt of a completed application that demonstrates that the telephone will be in compliance with this Chapter and all required information and fees, the Commissioner shall issue to the owner an outdoor pay telephone permit and shall provide the owner with a label to be affixed to each telephone identifying the registration number and location of the telephone. A permit shall either be approved or disapproved within 30 days of the receipt of a completed application and fee. A telephone for which a permit is issued shall be installed within 30 days of the issuance of the permit or the permit is void and no longer effective. No refund of permit fees shall be given if the permit becomes void.

**Section 670B.06 Inspection; Enforcement; Removal Orders; License and Permit Suspension and Revocation; Appeal**

(a) It shall be the responsibility of the Commissioner to perform an annual inspection of all pay telephones that are installed on private property and in the right-of-way in the City, to ensure that they are in compliance with this Chapter. The Commissioner will provide a report to the Director listing all pay telephones not in compliance with this Chapter, the owners of such telephones, and the owners of the properties where such telephones are located.

(b) Any owner of a pay telephone who is not in compliance with this Chapter shall be notified in writing by the Commissioner of the violation, a copy of which shall be sent to the property owner where such violations exist. The owner of the pay telephone must correct the violations within five (5) business days of the mailing of such notice. If the owner fails to correct the violations within the time required, the Commissioner may order the telephone removed, and the license or permit of the owner suspended, until all violations are corrected, or revoked.

(c) An order of removal, or license or permit suspension or revocation, shall be sent in writing to the pay telephone owner, and a copy shall be sent to the property owner where such violations exist. The City may remove the phone within five (5) business days of the mailing of such notice, at the owner's expense. The owner shall reimburse the City for the cost of removing and storing the telephone before the owner may reclaim the telephone. Such costs shall also include the cost of removing any installation ancillary to the outdoor pay telephone and the cost of restoring the public right-of-way to its original condition.

(d) An owner may appeal a violation notice, a removal order, or an order of suspension or revocation to the Board of Zoning Appeals within 14 days of the date of receipt of the notice or order. The Board shall promptly notify the Clerk of Council of any appeal and of the hearing date. The Board shall hear the appeal within 14 days after the appeal is filed, and the Board shall issue a decision within 14 days after the conclusion of the hearing. No notice of the hearing is required to be provided to adjoining property owners.

(e) If the license, contract or permit of an owner is suspended or revoked, the owner must remove all telephones installed pursuant to that license, contract or permit, and the owner may not install any more telephones until the suspension is lifted or a new license or permit is issued or contract is executed. An appeal to the Board of Zoning Appeals of a removal order, or of a suspension or revocation, shall stay such removal order.

(f) If an owner's license, contract or permit is revoked, the owner must apply for a new license, contract or permit and pay all fees required for a license or permit prior to the installation of any telephone. After the revocation of a permit, the owner may not reapply for a permit for the same location for one year after the date the

revocation is effective and after the conclusion of any appeal therefrom.

(g) If an owner does not comply with an order to correct a violation of the requirements to maintain a telephone clean or free of graffiti, stickers or advertising within five (5) business days from the mailing of such an order, the Commissioner may take action necessary to clean or remove graffiti, stickers or advertising from the telephone at the owner's expense. The owner shall reimburse the City for such expenses.

**Section 670B.07 Public Nuisance; Removal of Outdoor Pay Telephones**

(a) Upon request in writing by the member of Council in whose ward an outdoor pay telephone is located in the right-of-way or on private property, or upon receipt of verbal or written citizen complaints concerning such an outdoor pay telephone, the Director of Public Safety shall conduct an investigation into whether the installation and maintenance of the outdoor pay telephone constitutes a public nuisance. Upon determination by the Director of Public Safety that a particular outdoor pay telephone constitutes a public nuisance, the Director shall order that special telephone service features as are acceptable to the Director shall be provided by the outdoor pay telephone or, if the Director determines it is necessary, that the telephone be removed. Nothing in this Section shall preclude the Director from ordering the removal of a telephone without first requiring the implementation of special features. A particular outdoor pay telephone shall constitute a public nuisance when the Director of Public Safety determines that one or more of the following conditions exist:

(1) The outdoor pay telephone has been used in the commission of illegal drug transactions or other criminal activity, or substantially contributes by its presence to the commission of illegal drug transactions or other criminal activity as evidenced by significant numbers of such crimes occurring in the vicinity of the telephone;

(2) The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons who have made loud noises and other disturbances that have disrupted persons residing near the telephone or disrupted business enterprises located near the telephone;

(3) The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons consuming alcoholic beverages, except where such consumption is expressly authorized by a state license, or consuming illegal or controlled substances;

(4) The existence of the outdoor pay telephone has substantially contributed by its presence to the congregation of persons who have interfered with pedestrian or vehicular traffic in the public right-of-way near the telephone;

(5) Usage of the outdoor pay telephone between the hours of 1:00 a.m. and 5:00 a.m. is significantly and repeatedly above normal usage for similarly situated outdoor pay telephones during the same hours so as

to indicate that the telephone is being used in the commission of illegal drug activity or other criminal activity;

(6) The pay telephone has been used to abuse the 911 system.

(b) The special features shall be instituted, or the owner shall remove the telephone, and restore the right-of-way to its original condition, if applicable, within five (5) business days of an order to institute special features or remove the telephone. Removal of a nuisance pay telephone shall be governed by the provisions of Section 670B.06.

(c) If the Director determines that the nuisance may be abated by the reduction in the total number of pay telephones in an area, the removal of pay telephones shall be ordered based upon the total period of time that a telephone has been permitted by the City, with the telephones permitted for the least amount of time being ordered removed first.

(d) The Director of Public Safety will inform in writing the member of Council who made the complaint regarding the pay telephone the result of such investigation and the Director shall notify the member in writing of any order issued by the Director.

(e) If an outdoor pay telephone has been removed from a location because it is a nuisance, no other pay telephone may be installed at the same location or within 500 feet of that location for a minimum of one year.

(f) The owner of an outdoor pay telephone may appeal from the determination of a nuisance and the order of special features or removal as set forth in Section 670B.06.

**Section 670B.08 PUCO Regulations**

Nothing in this Chapter shall be read so as to limit the authority of the PUCO to regulate outdoor pay telephones within the City of Cleveland, nor to conflict with the authority of the PUCO to approve any special services for pay telephones.

**Section 670B.99 Penalty**

Any owner as defined in this Chapter, or any owner, lessee, or person in possession or control of private property where an outdoor pay telephone is or has been located, who violated any part of this Chapter shall be guilty of a misdemeanor and fined one hundred (\$100.00) dollars for a first offense and five hundred dollars (\$500.00) for a second or subsequent offense. Each day that a violation occurs or continues constitutes a separate offense.

**Section 3.** That the contracts for pay telephones in the right-of-way authorized by Section 670B.03, which section is enacted by this ordinance, shall be in the form as set forth in File No. 1989-01-A on file with the Clerk of Council.

**Section 4.** All requirements and prohibitions set forth in Chapter 670B enacted by this ordinance shall be effective for pay telephones placed or installed on private property or the right of way prior to the introduction of this ordinance beginning thirty (30) days after the effective date of Chapter 670B enacted by this ordinance.

**Section 5.** That Section 3109.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-A-85 passed February 10, 1986, Section 325.71 as enacted by Ordinance No. 845-62 passed April 26, 1964 and Section 349.05 as enacted by Ordinance No. 1236-A-67 passed June 28, 1971, are amended to read, respectively, as follows:

nance No. 1116-A-85 passed February 10, 1986, Section 325.71 as enacted by Ordinance No. 845-62 passed April 26, 1964 and Section 349.05 as enacted by Ordinance No. 1236-A-67 passed June 28, 1971, are amended to read, respectively, as follows:

**Section 3109.02 Relations to Other Code Provisions**

(a) For provisions governing the installation and maintenance of signs consult OBBC, Chapter 3113 of this Building Code and the Zoning Code (Chapters 325 to 359.)

(b) For provisions governing the use of sidewalks and streets during construction, demolition or moving of buildings consult Chapter 3115.

(c) No installation permitted by this Chapter shall be made so as to violate any provision of the Zoning Code (Chapters 325 to 359.)

(d) The provisions of this Building Code, including its enforcement and penalty provisions, shall apply to any violation of Chapter 670B related to:

(1) An outdoor pay telephone that is attached to a building or structure by any means, including the attachment of any portion of a pay telephone, a frame or post to which a pay telephone is attached, or a wire or conduit connecting a pay telephone or its lighting source to a building or structure; or

(2) An outdoor pay telephone that is located on a parking lot, yard, or any other part of a premises where such pay telephone is available for public use.

An outdoor pay telephone shall be considered a structure for the purposes of the Building Code to the extent that it is erected on a stand alone basis on a premises, and it shall be considered an appurtenance that is a part of a building or other structure for purposes of this Chapter to the extent that it is attached or connected to a building or other structure.

No building or encroachment permit shall be required for a pay telephone that is permitted under Chapter 670B.

**Section 325.71 Structure**

"Structure" means anything built or erected including, among other things, outdoor pay telephones, buildings, stadia, reviewing stands, bandstands, bleachers, booths, swimming pools, platforms, towers, bridges, trestles, bins, fences, barriers, poles, tanks above or below ground and signs, and also means the supporting framework or supporting parts of a building. "Structure" shall be construed as if followed by "or parts thereof."

**Section 349.05 Location of Required Space**

(a) The required accessory off-street parking facility shall be located on the same lot as the use for which it is provided or on a lot within 400 feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two points; or, the Off-Street Parking Committee may determine that the building or use in question is served adequately by a Municipal or private parking facility. All such parking spaces shall be located behind the setback building line. No such parking space shall be located within ten feet of any wall of a residential building or structure if such wall contains a ground floor

opening designed to provide light or ventilation for such building or structure.

(b) The separate lot upon which such accessory parking facilities are provided shall be in the same ownership or control as the building or use to which the parking facilities are accessory.

(c) No required accessory off-street parking space shall be occupied by a pay telephone or any other structure.

**Section 6.** That existing Section 3109.02 as enacted by Ordinance No. 1116-A-85 passed February 10, 1986, Section 325.71 as enacted by Ordinance No. 845-62 passed April 26, 1964 and Section 349.05 as enacted by Ordinance No. 1236-A-67 passed June 28, 1971 are hereby repealed.

**Section 7.** That the provisions of the existing Chapter 670B repealed by this Ordinance shall remain in effect until January 1, 2002, and new Chapter 670B enacted by this Ordinance shall be effective beginning January 1, 2002.

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

Passed October 22, 2001.  
Awaiting the approval or disapproval of the Mayor.

**COUNCIL COMMITTEE MEETINGS**

**Monday, October 29, 2001**

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

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

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