

The City Record

Official Publication of the Council of the City of Cleveland



May the Seventh, Two Thousand and Three

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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PRESORTED STANDARD
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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell

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

DEPT. OF LAW – Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Rm. 106
Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;

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

DEPT. OF PUBLIC UTILITIES – Michael G. Konicek, Director, 1201 Lakeside Avenue

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

DEPT. OF PORT CONTROL – John C. Mok, Director

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

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113

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

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Commissioner
Correction – Robert Taskay, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – James A. Draper, Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES – James Glending, Acting Director

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

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

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

DIVISIONS: Code Enforcement – _____, Commissioner
Construction Permitting – _____, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Bauknight, 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 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Wiebusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, MAY 7, 2003

No. 4665

CITY COUNCIL

MONDAY, MAY 5, 2003

The City Record

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 30, 2003

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

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich, Taylor and Williams.

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 237-03.

By Director Mok.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultants by Hull and Associates, Inc., under City Contract No. 58526 for professional environmental services necessary for the collection, sampling and analysis of soils, environmental modeling and other related services, for the Division of Cleveland Hopkins International Airport, Department of Port Control, authorized by Ordinance No. 1118-01, passed on June 19, 2001, and Board of Control Resolution No. 479-01, adopted July 25, 2001, is hereby approved:

| Subconsultant | % | Amount |
|------------------------------------|-------|-------------|
| Ravensfield Digital Resources, LTD | 1% | \$25,000.00 |
| Independence Excavating | 1% | \$25,000.00 |
| Precision Pro-Cut | 1.2% | \$30,000.00 |
| Probtch LLC | 2% | \$50,000.00 |
| AAA Pipe Cleaning Corp. | 0.2% | \$ 5,000.00 |
| Enviroserve | 0.02% | \$ 500.00 |

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

Resolution No. 238-03.

By Director Mok.

Be it resolved, by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 2376-02, passed by the Council of the City of Cleveland on March 10, 2003, the firm of R. W. Armstrong & Associates, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to design improvements to Runway 6/R and the rehabilitation of

Taxiway G at Burke Lakefront Airport and the rehabilitation of the primary hangar ramp and the design of airfield safety improvements required by the Federal Aviation Administration at Cleveland Hopkins International Airport.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with R. W. Armstrong & Associates, Inc. based upon its proposal dated March 25, 2003, provided that the compensation to R. W. Armstrong & Associates, Inc. for the services authorized shall not exceed Six Hundred Twenty-Five Thousand Four Hundred Eighty and 00/100 Dollars (\$625,480.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultants by R. W. Armstrong & Associates, Inc. is hereby approved:

| <u>Subconsultant</u> <u>Percentage</u> | <u>Amount</u> |
|---|---------------|
| Central Engineering 16.1% MBE/DBE | \$101,000.00 |
| KS Associates 12.3% FBE | \$ 77,000.00 |

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

Resolution No. 239-03.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of gasoline item 1 (a, b) and item 3 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on March 7, 2003, pursuant to the authority of Ordinance No. 2113-02, passed by the Council of the City of Cleveland on November 18, 2002, which on the basis of the estimated quantity would amount to Two Million Five Hundred Sixty Seven Thousand One Hundred Forty One and no/100 Dollars (\$2,567,141.00) (0% 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. 127465 which shall be certified against such contract in the sum of Four Hundred Twenty Five Thousand and no/100 Dollars (\$465,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods

and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

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

Resolution No. 240-03.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of South East Harley Davidson Sales, Co. for an estimated quantity of labor and materials necessary to repair police motorcycles, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on February 28, 2003, pursuant to the authority of Ordinance No. 2167-02, passed by the Council of the City of Cleveland on December 9, 2002, which on the basis of the estimated quantity would amount to One Hundred Forty Thousand and no/100 Dollars (\$140,000.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 127467 which shall be certified against such contract in the sum of Thirty Thousand and no/100 Dollars (\$30,000.00).

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

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

Resolution No. 241-03.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of gasoline item 2 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of two (2) years beginning with the date of execution of a contract, received on March 7, 2003, pursuant to the authority of Ordinance No. 2113-02, passed by the Council of the City of Cleveland on November 18, 2002, which on the basis of the estimated quantity would amount to One Million Four Hundred Fifty Seven Thousand Nine Hundred Twenty and no/100 Dollars (\$1,457,920.00) (Net) is hereby affirmed and approved as the lowest and best bid,

and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 127466

which shall be certified against such contract in the sum of One Hundred Seventy Five Thousand and no/100 Dollars (\$175,000.00).

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

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

Resolution No. 242-03.

By Directors Ricchiuto, Hudecek and Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of DiGioia-Suburban Excavating LLC, for the public improvement of Hurston Court (Items 1 through 98), for the Division of Engineering and Construction, Departments of Public Service, Community Development, and Public Utilities, received on March 20, 2003, pursuant to the authority of Ordinance No. 21029-02, passed December 16, 2002, upon a unit basis for the improvement, in the aggregate amount of Eight Hundred Sixty-Two Thousand, Seven Hundred Eighty-Two and 00/100 Dollars (\$862,782.00), is hereby affirmed and approved as the lowest responsible bid; and the Directors of Public Service, Community Development and Public Utilities are hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following sub-contractors by DiGioia Suburban Excavating LLC for the aforementioned public improvement hereby is approved:

| |
|---|
| Cook Paving & Construction Co., Inc. 11360 Brookpark Road Suite 212 Cleveland, Ohio 44130 MBE — 16.65% — \$143,610.00 |
| Friedel Trucking Company, Inc. 5714 Archmere Avenue Cleveland, Ohio 44116 FBE — 4.34% — \$37,400.00 |
| Collinwood Shale Brick & Supply Co. 12400 Broadway Cleveland, Ohio 44125 FBE — 0.67% — \$5,742.00 |

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

Resolution No. 243-03.

By Acting Director Carroll.

Resolved by the Board of Control of the City of Cleveland that the bid of American Inc. for the following: Structured Wiring System Installation for Data and Phone Network At the J. Glenn Smith Health Center (All Items) for the Division of Health, Department of Public Health, received on the 28th day of February 2003, pursuant to the authority of Ordinance No. 2316-02, passed December 9, 2002, which on the basis of the order quantity would amount to \$8,990.00, is hereby approved as the lowest and best bid, and the Director of Public Health, is hereby requested to enter into contract for such items.

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

Nays: None.

Absent: None.

Resolution No. 244-03.

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that all bids received on October 9, 2002, for handheld laser units and battery modules, 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: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 245-03.

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that all bids received on October 9, 2002, for handheld radar units and battery handles and chargers, 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: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich, Taylor and Williams.

Nays: None.

Absent: None.

Resolution No. 246-03.

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Helicopter Minit-Men, Inc. for aviation maintenance for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of expiration of the previous contract, with one one-year option to renew, received on February 6, 2003, pursuant to the authority of Ordinance No. 2327-02, passed December 16, 2002, which on the basis of the estimated quantity would amount to Two Hundred Seventy-Five Thousand

and 00/100 Dollars (\$275,000.00), 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. 132033

as specified, which shall be certified against such contract in the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

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

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

Nays: None.

Absent: None.

Resolution No. 247-03.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 929-02 passed by the Council of the City of Cleveland on June 14, 2002, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City of Cleveland to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant of Ordinance No. 929-02 passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Ten Thousand Dollars (\$10,000) as the amount of the Mortgage Loan to Brian Siftar and Monica Doyle, 12705 Longmead, Cleveland, Ohio 44135, as approved by the Housing Advisory Board on November 19, 2002 and ratified on January 12, 2003.

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

Nays: None.

Absent: None.

Resolution No. 248-03.

By Director Hudecek.

Whereas, pursuant to the authority of Ordinance No. 287-02 passed by the Council of the City of Cleveland on May 4, 2002, the Director of Community Development is authorized to enter into contracts with various individuals and/or families for assistance in the financing of housing being acquired in the City

of Cleveland to improve the economic and general well-being of the people of the City of Cleveland; and

Whereas, the City has established a Housing Advisory Board to review the City's comprehensive affordable housing strategy and various housing assistance programs; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant of Ordinance No. 287-02 passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Twenty Thousand Dollars (\$20,000) as the amount of the Mortgage Loan to Lillian M. Taylor, 14215 Milverton Avenue, Cleveland, Ohio 44120, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

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

Nays: None.

Absent: None.

Resolution No. 249-03.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1923-02 passed by the Council of the City of Cleveland on December 16, 2002, New Horizons Computer Learning Center, is hereby selected from a list of firms determined after a full and complete canvass by the Department of Finance, as the firms to be employed by contract to provide professional services necessary to design, implement and administrate an Information Technology and People-Soft Technical and Employee End-User Training Program for the City of Cleveland over a two-year period.

Be it further resolved that the Director of Finance hereby is requested to enter into a contract with New Horizons Computer Learning Center based upon its proposal dated March 14, 2003, and pricing schedule dated April 29, 2003, provided that the compensation to New Horizons Computer Learning Center shall not exceed Seven Hundred Ninety Four Thousand Three Hundred and Ninety Nine Dollars (\$794,399) which contract shall be prepared by the Director of Law, and shall contain such additional provisions, as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following sub-consultants by New Horizons Computer Learning Center is hereby approved:

| <u>Sub-Consultant</u> | <u>Amount</u> |
|-------------------------|---------------|
| <u>Percentage</u> | |
| New Concepts Consulting | |
| 19.90% MBE | \$ 158,029.00 |
| All In One Computer | |
| 4.98% FBE | \$ 39,507.00 |

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto,

Acting Directors Carroll, Smith, Glending, Directors Hudecek, Romero, Sims, Fumich, Taylor and Williams.
Nays: None.

Absent: None.

Resolution No. 250-03.

By Director Baker.

Whereas, Ordinance No. 1841-02, passed by the Council of the City of Cleveland on September 23, 2002, and Board of Control Resolution No. 78-03, adopted February 5, 2003, authorized the Director of Finance to enter into a contract with Cost Control Associates, Inc. on the basis of Consultant's proposal dated October 23, 2002, for professional services necessary to audit the utilities and telecommunication services purchased by the City; and

Whereas, Ordinance No. 360-03, passed by the Council of the City of Cleveland on March 24, 2003, amended Ordinance No. 1841-02 to include the additional professional services to pay telephones and services under licenses and permits issued by the City or contracts with the City; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 78-03 is hereby amended by changing the first paragraph as follows:

Be it resolved, by the Board of Control of the City of Cleveland that, pursuant to Ordinance No. 1841-02, passed by the Council of the City of Cleveland on September 23, 2002, as amended by Ordinance No. 360-03, passed by the Council of the City of Cleveland on March 24, 2003, Cost Control Associates, Inc. is hereby selected from a list of firms determined after full and complete canvass by the Department of Finance, as the firm to be employed by contract to provide professional services necessary to audit the utilities and telecommunications services purchased by the City and pay telephones and services under licenses and permits issued by the City or contracts with the City.

Be it further resolved that all other provisions of said Resolution No. 78-03 not expressly amended hereby shall remain unchanged and in full force and effect.

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

Absent: None.

Resolution No. 251-03.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 552-2000, as amended by Ordinance No. 1234-2000, passed by the Council of the City of Cleveland on June 19, 2000 and July 17, 2000, respectively, the firm of Middough Associates, Inc. ("Consultant"), is hereby selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed

staff of the several departments of the City to provide professional design services, preparation of plans and specifications, and construction administration for all Non-Preliminary Engineering Report facilities, RETF-SHPO Mitigation, and Preliminary Engineering Report facilities for the NASA South 40 Project at Cleveland Hopkins International Airport, including the Central Chemical Storage Facility; Supplemental Multiple Insulation Research Facility in Building 204; Cryogenic Component Laboratory and associated Test Cells in Buildings 203 - 1, 203 - 2, 203 - 4 and 203 - 7; Landfill Utilities abandonment, design and relocation; and SHPO Mitigation for the Rocket Engine Test Facility.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Middough Associates, Inc. based upon its proposal dated March 5, 2003, provided that the compensation to Middough Associates, Inc. for the services authorized shall not exceed Three Million Six Hundred Eighty-Five and 00/100 Dollars (\$3,630,685.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

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

| <u>Subconsultant</u> <u>Percentage</u> | <u>Amount</u> |
|---|---------------|
| Applied Laser Tech 0.44% — MBE | \$ 16,000.00 |
| Calvin Singleton & Associates 0.75% — MBE | \$ 27,060.00 |
| Central Engineering 9.37% — MBE | \$340,000.00 |
| Hardlines Design Co. 4.12% — MBE | \$149,316.00 |
| History Enterprise 3.03% — MBE | \$110,000.00 |
| KS Associates 0.55% — FBE | \$ 20,000.00 |
| North Coast Business 0.72% — MBE | \$ 26,000.00 |
| The Outside In, Inc. 0.15% — MBE | \$ 5,270.00 |
| Van Auken Akins 1.66% — FBE | \$ 60,000.00 |

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

Resolution No. 252-03.

By Acting Director Glending.

Resolved, by the Board of Control of the City of Cleveland that bid of Al's High Tech, Inc. dba Al's Elec-

tric Motor Service for an estimated quantity of electric motors and pumps, all items, for the Division of Property Management, Department of Parks, Recreation and Properties for the period of one (1) year beginning with date of execution of a contract received on January 9, 2003, pursuant to the authority of Ordinance No. 539-02, passed April 22, 2002, which on the basis of the estimated quantity would not exceed the total amount of Seventy-Five Thousand 00/100 Dollars (\$75,000.00), 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 goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 135638

which shall be certified against such contract in the sum of Twenty Thousand 00/100 Dollars (\$20,000.00).

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 19, 2003

9:30 A.M.

Calendar No. 03-104: 4111 East 100th Street (Ward 2)

Loretta Copeland, owner, appeals to install approximately 324 linear feet of 6' high chain link fencing around most of the perimeter and approximately 88' of 6' high wood fencing around the remaining portion of the perimeter of a 38' x 202' vacant parcel located in a Two-Family District on the east side of East 100th Street at 4111 East 100th Street; said installation being contrary to Section 358.04(a) of the Fence Regulations, where fences in the actual front and side yards shall not exceed 4' in height and 6' is proposed and a chain link fence is proposed and only ornamental fences shall be installed in front yards as stated in Section 358.04(c) of the Codified Ordinances.

Calendar No. 03-105: Appeal of Pamela Ruff, PPN 103-23-008 (Ward 5)

Pamela Ruff, owner, appeals under Section 329.02 of the Codified Ordinances from the decision of Richard L. Silva, Commissioner of Park Maintenance and Properties, that the property in question, parcel number 103-23-008, was in violation of Section 209.01 of the Cleveland Codified Ordinances, where no owner or person in possession or control of any lot or land within the City shall fail to keep such lot or land free of refuse, etc. as noted in Section 209.01. The Department of Parks, Recreation and Properties abated the nuisance and the property owner was billed.

Calendar No. 03-107: Appeal of Thermagon, Inc., 4707 Detroit Avenue (Ward 17)

Thermagon, Inc., owner c/o Carol Latham, appeals under Section 329.02(d) of the Codified Ordinances which provides the right to appeal to the Board of Zoning Appeals from the decision of the Division of Building and Housing to cite the property at 4707 Detroit Avenue for creating a nuisance or a hazard to safety or health as stated in Section 345.03(b) of the Codified Ordinances.

Calendar No. 03-108: 2906 Fulton Road (Ward 14)

Luis Burgos, owner, d.b.a. Caribe Bake Shop, appeals to construct a 70' x 70' two-story building as a bakery, restaurant and an office all situated on an approximate 122' x 197' irregular shaped parcel located in a Two-Family District and a Local Retail Business District on the west side of Fulton Road at 2906 Fulton Road; said construction being contrary to the Residential District Requirements of Section 337.03, where a bakery, restaurant or an office are not permitted in a Two-Family District but first permitted in a Local Retail Business District as stated in the Business District Requirements of Section 343.01 if there are no more than 5 employees in the office at any given

time and contrary to the Off-Street Parking and Loading Requirements, where 13 parking spaces are proposed and 18 are required as stated in Section 349.04 of the Codified Ordinances.

Calendar No. 03-109: 16501 Edgecliff Avenue (Ward 21)

Walid M. Dardir, owner, appeals to install 4' high ornamental fencing around the front of an irregular shaped corner parcel and a 6' high chain link fencing around a part of the rear of an approximate 40' x 120' irregular shaped corner parcel located in a One-Family District on the south side of Edgecliff Avenue at 16501 Edgecliff Avenue; said installation being contrary to the Fence Regulations where fences in the actual front and side yards shall not exceed 4' in height and be at least 50% open as stated in Section 358.04(a) of the Codified Ordinances.

Calendar No. 03-110: Appeal of Oscar Fragozo, Hack License Suspension

Oscar Fragozo appeals under Chapter 76-6 of the Charter of the City of Cleveland and Section 443.36 of the Codified Ordinances from the suspension of a City of Cleveland Hack License issued April 14, 2003 by Dedrick Stephens, Commissioner of Assessments and Licenses.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 5, 2003

At the meeting of the Board of Zoning Appeals on Monday, May 5, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-86: 11619 Lorain Avenue

Jacqueline Slyman and Fred Peters appealed to change the use of a two-story masonry building to 12 dwelling units, an office and a tavern with a billiards table in a Local Retail Business District.

Calendar No. 03-87: 13014 Lorain Avenue

Dorothy Milosavljevic appealed to add a tattooing use to a nonconforming body piercing shop in a General Retail Business District.

Calendar No. 03-88: 3902 East 54th Street

Cresthaven Development Corporation appealed to construct a 24' x 26' two-story frame house with a 15' x 17' deck and a 20' x 20' detached garage on a 127' x 135' parcel in a Two-Family District.

Calendar No. 03-90: 15610 Norway Avenue

Tom and Sandy Campbell appealed to construct a 22' x 20' one-story frame, detached garage to the rear of a 45' x 125' parcel in a Single Family District.

Calendar No. 03-91: 9803 Elwell Avenue

Cleveland Housing Network appealed to construct a 12' x 22' one-story garage with a pitched roof on a 50' x 67' parcel in a Two-Family District.

Calendar No. 03-92: 5608 Dolloff Road

Cleveland Housing Network appealed to construct a 14' x 20' one-story, wood frame garage with a gable roof on a 91' x 128' parcel in a Two-Family District.

Calendar No. 03-98: 3353 East 125th Street

George Peterson appealed to enclose a 7' x 24' open front porch of a two family house in a Two-Family District; subject to submission and approval of a revised plan.

The following appeal was **Denied:**

Calendar No. 03-44: 3625 Independence Road

Mike Mazzeo appealed to install 107 linear feet of 7' high chain link fencing to the west, north and east of a 100' x 168' triangular parcel in a Local Retail Business District.

The following appeal was **Dismissed:**

Calendar No. 03-89: Appeal of PhoneTel Technologies, Inc.

PhoneTel Technologies, Inc. appealed from an order to remove an outdoor pay phone at the property of 8901 Madison Avenue issued by the Commissioner of Assessments and Licenses.

The following appeals were **Withdrawn:**

Calendar No. 03-57: 2814 Detroit Avenue

Bounce Properties LLC appealed to expand the use of a restaurant by converting a 20' x 52'-6" open adjacent space into a concrete patio and a raised wooden deck on a 114' x 164' parcel in a Semi-Industry District.

Calendar No. 03-68: 1871 West 25th Street

Paul Cirjak, owner, and Michael Vanuum, tenant, appealed to expand a nightclub by adding a 31' x 60' steel patio over an existing courtyard located in a General Retail Business District at the front and a Semi-Industry District at the rear of a 66' x 157' parcel.

The following appeals were **Postponed:**

Calendar No. 03-41: 2045 Green Road postponed to June 2, 2003.

Calendar No. 03-46: 3580-82 West 135th Street postponed to June 2, 2003.

Calendar No. 03-99: 9417 Orleans Avenue postponed to June 2, 2003.

On Monday, May 5, 2003, in Executive Session:

The following appeals were heard by the Board on Monday, April 28, 2003, and said decision was approved and adopted in Executive Session on Monday, May 5, 2003:

The following appeals were **Approved**:

Calendar No. 03-79: 1464 East 105th Street

Medics Inc., owner, and Mittie Jordan, tenant, appealed to change the use of a first floor office space area in a four-story building to a restaurant and retail store use in a Residence-Office District.

Calendar No. 03-84: 5104 Cedar Avenue

Barbara Earley appealed to change the use of a two-story, frame house into a beauty salon in a Multi-Family District.

Calendar No. 02-271: 17600 Lakeshore Boulevard

Kurt and Sarah Kennedy Gyorki appealed to establish use of a 38' x 44' one-story service station as an auto repair garage in a General Retail Business District; conditional approval subject to inclusion of community guidelines.

The following appeals were **Denied**:

Calendar No. 03-20: Appeal of NCL Enterprises, Inc., 1444 East 49th Street

NCL Enterprises, Inc. appealed from a Notice of Violation issued January 3, 2003 by the Department of Community Development Division of Building & Housing.

Calendar No. 03-36: Appeal of Cleveland Bluffs Dvlp., LLC, 1613 Davenport Avenue

Cleveland Bluffs Development, LLC appealed under Section 329.01(e) from the decision of the Director of Public Service.

The following appeal was **Withdrawn**:

Calendar No. 03-81: 5603 Memphis Avenue

Dominic Sforzo appealed to install an 8' x 18' concrete pad and enclose it with a 7' high board on board fence and gate as a dumpster enclosure on a 71' x 148' parcel in a Local Retail Business District; appeal withdrawn by appellant.

EUGENE CRANFORD, JR.,
Secretary

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

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 21, 2003
2:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 21, 2003, at 2:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 2335-02.

By Council Member Jones.
An ordinance to change the zoning of property east of East 146th Street, between Cranwood Avenue and Velma Avenue, to a Semi-Industry District and a "J" Height District. (Map Change No. 2063, Sheet No. 10)

Ord. No. 382-03.

By Council Member Reed.
An ordinance to change the zoning of properties north of Kinsman Road and west of East 116th Street to a Local Retail Business District (Map Change No. 2070, Sheet No. 10) and properties on the north and south sides of Kinsman Road between East 121st Street and East 125th Street to a Townhouse RA2 District (Map Change No. 2071, Sheet No. 10)

Ord. No. 509-03.

By Council Member O'Malley.
An ordinance to change the zoning of four parcels on the southeast corner of Cook Avenue and West 13th Street to a Two-Family Residential District (Map Change No. 2073, Sheet No. 3)

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

May 7, 2003 and May 14, 2003

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to

the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, MAY 15, 2003

Towel and Linen Service, for Various Divisions, Department of Finance, as authorized by Ordinance 424-03, passed by the Council of the City of Cleveland, March 31, 2003.

THERE WILL BE A PRE-BID MEETING THURSDAY, MAY 8, 2003, AT 10:00 A.M., DEPARTMENT OF FINANCE CONFERENCE ROOM, ROOM 104, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

April 30, 2003 and May 7, 2003

WEDNESDAY, MAY 21, 2003

Phase II — Residential Sound Insulation Program Group B-03 (General Construction/HVAC), for the Department of Port Control, as authorized by Ordinance No. 930-95, 469-98, and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

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

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, MAY 8, 2003, AT 10:00 A.M., C & S ENGINEERS OF OHIO, MAIN CONFERENCE ROOM, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, CLEVELAND, OHIO 44135.

April 30, 2003 and May 7, 2003

FRIDAY, MAY 23, 2003

Labor & Materials Necessary to Repair or Replace Fire Hydrants — Area B, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 214-02, passed by the Council of the City of Cleveland, April 8, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, MAY 15, 2003 AT 10:30 A.M., DIVISION OF WATER DISTRIBUTION MAINTENANCE FACILITY, TRAINING ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44114.

Anti-Freeze/Coolant, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2231-02, passed by the Council of the City of Cleveland, December 9, 2002.

THERE WILL BE A PRE-BID MEETING MONDAY, MAY 12, AT 3:30 P.M. AT DIVISION OF MOTOR VEHICLES, 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO.

Fuel Dispensing Pump Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 236-02, passed by the Council of the City of Cleveland, December 9, 2002.

THERE WILL BE A PRE-BID MEETING MONDAY, MAY 12, 2003, AT 4:30 P.M. AT DIVISION OF MOTOR VEHICLES, 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OHIO.

April 30, 2003 and May 7, 2003

THURSDAY, MAY 29, 2003

13.8 KV Transformers, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, MAY 15, 2003, AT 11:00 A.M., AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

April 30, 2003 and May 7, 2003

FRIDAY, MAY 30, 2003

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

THERE WILL BE A MANDATORY PRE-BID MEETING WEDNESDAY, MAY 21, 2003 AT 10:00 A.M., CARL B. STOKES, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

April 30, 2003 and May 7, 2003

WEDNESDAY, JULY 2, 2003

Fire Alarm Service, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 299-01, passed by the Council of the City of Cleveland, April 9, 2001.

THERE WILL BE A PRE-BID MEETING FRIDAY, MAY 16, 2003, AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 4410.

April 30, 2003 and May 7, 2003

WEDNESDAY, MAY 21, 2003

East Boulevard Fence Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1605-98, passed by the Council of the City of Cleveland, October 19, 1998.

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

THERE WILL BE A PRE-BID MEETING, FRIDAY, MAY 16, 2003 AT 9:30 A.M., BURKE LAKEFRONT AIRPORT, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO.

Maplewood Ball Diamond Relocation Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1728-2000, passed by the Council of the City of Cleveland, April 9, 2001.

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

THERE WILL BE A PRE-BID MEETING, FRIDAY, MAY 16, 2003 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO.

Various Renovations for Department of Parks, Recreation & Properties Recreation Centers (Phase II), for the Division of Architecture, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1728-2000, passed by the Council of the City of Cleveland, April 9, 2001.

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

THERE WILL BE A PRE-BID MEETING WEDNESDAY, MAY 14, 2003, AT 10:00 A.M., FAIRFAX RECREATION CENTER, 2355 EAST 82ND STREET, CLEVELAND, OHIO 44104.

May 7, 2003 and May 14, 2003

THURSDAY, MAY 22, 2003

Mayview Avenue Sewer Replacement, Division of Water, Department of Public Utilities, as authorized by Ordinance No. 756-98, passed by the Council of the City of Cleveland, June 15, 1998.

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

THERE WILL BE A PRE-BID MEETING WEDNESDAY, MAY 14, 2003 AT 11:30 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO.

Holsters and Magazine Pouches for the 9MM Glock Pistols, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 646-92, passed by the Council of the City of Cleveland, June 1, 1992.

THERE WILL BE A PRE-BID MEETING, THURSDAY, MAY 15, 2003, AT 10:00 A.M., CLEVELAND POLICE DIVISION/RANGE, 3700 W. 58TH ST., CLEVELAND, OHIO 44113.

May 7, 2003 and May 14, 2003

THURSDAY, MAY 29, 2003

Inmate Clothing, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 496-03, passed by the Council of the City of Cleveland, April 14, 2003.

THERE WILL BE A PRE-BID MEETING, FRIDAY, MAY 16, 2003, AT 11:00 A.M., HOUSE OF CORRECTIONS CONFERENCE ROOM, MAIN BUILDING, 23600 MERCANTILE RD., UNIT J, BEACHWOOD, OHIO 44122.

May 7, 2003 and May 14, 2003

FRIDAY, MAY 30, 2003

Fuel Storage Tank Removal, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2236-02, passed by the Council of the City of Cleveland, December 9, 2002.

THERE WILL BE A PRE-BID MEETING, MONDAY, MAY 19, 2003, AT 4:00 P.M., AT DIVISION OF MOTOR VEHICLES, 4150 E. 49TH STREET, BUILDING 1, CLEVELAND, OHIO.

Various Salt Spreader, Insert and Plow Parts & Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2228-02, passed by the Council of the City of Cleveland, December 9, 2002.

THERE WILL BE A PRE-BID MEETING, MONDAY, MAY 19, 2003, AT 3:00 P.M., AT DIVISION OF MOTOR VEHICLES, 4150 E. 49TH STREET, BUILDING 1, CLEVELAND, OHIO.

Plumbing Services, for Various Divisions, Department of Finance, as authorized by Ordinance No. 425-03, passed by the Council of the City of Cleveland, March 31, 2003. THERE WILL BE A PRE-BID MEETING, TUESDAY, MAY 20, 2003 AT 10:00 A.M., DEPARTMENT OF FINANCE CONFERENCE ROOM, 601 LAKESIDE AVE., ROOM 104, CLEVELAND, OHIO 44114.

May 7, 2003 and May 14, 2003

WEDNESDAY, JUNE 11, 2003

Utility Pole Replacement, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 232-03, passed by the Council of the City of Cleveland, April 7, 2003.

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

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, MAY 29, 2003, AT 11:00 A.M., DIVISION OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

May 7, 2003 and May 14, 2003

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 708-03.

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

An emergency resolution urging the Ohio legislature to restore to the state budget the \$850,000 that was eliminated by the Ohio House from the Urban University Program.

Whereas, the Urban University Program (UUP) was created in 1979 as a program of the Ohio General Assembly and the Ohio Board of Regents; and

Whereas, the UUP is a unique network linking the resources of eight urban universities in Ohio with the communities and students they serve in cooperative efforts to improve the state's urban regions; and

Whereas, eight highly regarded center units at the University of Akron, Cleveland State University, Kent State University, The Ohio State University, The University of Toledo, Wright State University, Youngstown State University, and the University of Cincinnati, provide research and service to Ohio's urban areas; and

Whereas, the Maxine Goodman Levin College of Urban Affairs is the flagship of this partnership; and

Whereas, over the past several years, the UUP has performed invaluable services for our communities, and has successfully leveraged \$2 from private foundations and other sources for every \$1 invested by the State of Ohio; and

Whereas, recently, the Ohio House passed a budget that reduces the financial support for the UUP by almost 25%; and

Whereas, in contrast, the current House budget proposal increased funding to the Agricultural Extension Programs by 5.3%; and

Whereas, the importance of the UUP for the future development of Ohio's metropolitan regions is equivalent to the critical role played by the extension service for the agricultural community; and

Whereas, it is essential to recognize the important work performed by the UUP and the success of the participating eight universities in securing external dollars for Ohio's economy; and

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

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

Section 1. That this Council hereby urges the Ohio legislature to restore to the state budget the \$850,000 that was eliminated by the Ohio House from the Urban University Program.

Section 2. That the Clerk is hereby directed to transmit certified copies of this resolution to Governor Bob Taft, the appropriate members of the Ohio House and Senate, and Dean Mark Rosentraub of the Maxine Goodman Levin College of Urban Affairs.

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 April 28, 2003.

Effective April 30, 2003.

Res. No. 714-03.

By Mayor Campbell and Council Members Jackson, Britt, Zone, Scott, Gordon, Sweeney, Westbrook, Polensek and Jones.

An emergency resolution opposing passage of the Electronic Government Services Act.

Whereas, the Ohio House of Representatives has passed an omnibus piece of legislation including certain amendments to the Revised Code originally introduced as the "Electronic Government Services Act" (H.B. No. 95; Proposed Revised Code Sections 1306.25 through 1306.29); and

Whereas, the legislation is now before the Ohio Senate as a part of the Biennial Budget Act of 2003; and

Whereas, the proposed Electronic Government Services Act purports to prohibit municipalities and other local governments from providing information technology-based services if they are also available from private enterprise; and

Whereas, the proposed Electronic Government Services Act would destroy the benefits and efficiencies now enjoyed by local government and made possible by means of electronic communications such as municipal websites or fiber-optic networks; and

Whereas, the proposed Electronic Government Services Act would prevent innovation and stifle the synergistic partnerships between local governments and others that are key to the success of the state's Third Frontier initiative and the City of Cleveland's Strong, Safe, and Smart Information Technology Strategic Initiatives, which were designed to make state-of-the-art information and electronic-government services ("e-government") available throughout the state and City; and

Whereas, adoption of the proposed Electronic Government Services Act in the context of the state's biennial budget patently violates the Single Subject Rule contained in Article II, §15 of the Ohio Constitution, imperiling the validity of the entire biennial budget; and

Whereas, the proposed Electronic Government Services Act would violate the Home Rule powers guaranteed to municipalities under Article XVIII, §3, of the Ohio Constitution and would potentially prohibit municipalities from providing many services that they currently provide over the Internet through websites or fiber-optic networks, which services are a proper public purpose and a substantial benefit to the public and the municipalities; and

Whereas, this resolution constitutes an emergency measure providing for the public peace, property, health, or safety in that the pro-

posed Electronic Government Services Act, if adopted, would seriously impair the ability of local governments to enter the Information Age, would stop the deployment of e-government services, and would prevent efforts to make government more accessible to citizens and more cost efficient; now, therefore,

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

Section 1. That this Council opposes passage of the Electronic Government Services Act on the basis that it is unconstitutional and contrary to the public interest.

Section 2. That the Clerk of Council is directed to send a copy of this resolution to all members of the Ohio Senate, to the President of the Ohio Senate, to the Minority Leader of the Ohio Senate, to the members of the Ohio Senate Finance Committee, to Ohio Attorney General Jim Petro, and to Ohio Governor Bob Taft.

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

Adopted April 28, 2003.

Effective April 30, 2003.

Res. No. 715-03.

By Council Members Zone, Jackson, Britt, Brady, Jones and Dolan.

An emergency resolution declaring this Council's support of Senate Bill 28 and encouraging the Ohio General Assembly to pass legislation creating a "do-not-call" registry.

Whereas, legislation was recently introduced in the Ohio Senate to create an Ohio "Do-Not-Call" registry; and

Whereas, Senate Bill 28 would give Ohio the option to either use a national registry that is currently being developed by the Federal Trade Commission or to develop its own "do-not-call registry"; and

Whereas, either option, will help residential consumers avoid unwanted telemarketing calls by enabling residential consumers to place their home, cell phone and fax numbers on a "do-not-call" list; and

Whereas, this "do-not-call" list would be maintained by the Attorney General and the proposed legislation provides for investigation and enforcement by the Attorney General; and

Whereas, a "do-not-call" registry will help prevent unsolicited telephone calls and will help citizens avoid potentially fraudulent telemarketing calls; and

Whereas, Senate Bill 28 is supported by the Ohio AARP and the Ohio Consumers' Counsel; and

Whereas, this Council believes that residents have a right to privacy in their homes; and

Whereas, this Council supports Senate Bill 28 and encourages the Ohio General Assembly to pass legislation creating a "do-not-call" registry; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public

peace, property, health, or safety, now, therefore.

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

Section 1. That this Council hereby declares its support of Senate Bill 28 and encourages the Ohio General Assembly to pass legislation creating a "do-not-call" registry.

Section 2. That the Clerk of Council is hereby requested to transmit copies of this resolution to Governor Bob Taft, the President of the Ohio Senate, the Speaker of the Ohio House of Representatives, and to all members of the Ohio Senate and Ohio House of Representatives representing the City of Cleveland.

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 April 28, 2003.

Effective April 30, 2003.

Res. No. 716-03.

By Council Member Johnson.
An emergency resolution objecting to a New C1 and C2 Liquor Permit to 10202 Sophia Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 and C2 Liquor Permit at 10202 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 1946870; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 and C2 Liquor Permit at 10202 Sophia Avenue, Cleveland, Ohio 44104, Permanent Number 1946870; 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 April 28, 2003.

Effective April 30, 2003.

Res. No. 717-03.

By Council Member Johnson.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 2886 Woodhill Road, 1st Floor and Basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Woodhill Grocery Enterprises, Inc., 2886 Woodhill Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 9760243 to 2886 Woodhill Rose, Inc., 2886 Woodhill Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 9116630; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Woodhill Grocery Enterprises, Inc., 2886 Woodhill Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 9760243 to 2886 Woodhill Rose, Inc., 2886 Woodhill Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 9116630; 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 April 28, 2003.

Effective April 30, 2003.

Res. No. 718-03.

By Council Member Johnson.
An emergency resolution withdrawing objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit at 13108 Buckeye Road and repealing Resolution No. 2486-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 13108 Buckeye Road by Resolution No. 2486-02 adopted by the Council on December 16, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and 13108 Buckeye, Inc., DBA Buckeye Beverage, 13108 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 6548662, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 13108 Buckeye Road be and the same is hereby withdrawn and Resolution No.

2486-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted April 28, 2003.

Effective April 30, 2003.

Res. No. 719-03.

**By Council Member O'Malley.
An emergency resolution objecting to a New C1 Liquor Permit to 5913-15 Denison Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 5913-15 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 2496647; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 5913-15 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 2496647; 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 April 28, 2003.

Effective April 30, 2003.

Res. No. 721-03.

**By Council Member Reed.
An emergency resolution withdrawing objection to the renewal of D5 Liquor Permit at 3616 East 131st Street and repealing Resolution No. 1641-01, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D5 Liquor Permit to 3616 East 131st Street by Resolution No. 1641-01 adopted by the Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Zachary Reed and Applicant, JRDT, Ltd., DBA M & M Lounge, 3616 East 131st Street, 1st Floor and Basement, Cleveland, Ohio 44120, Permanent Number 4182903, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a D5 Liquor Permit to 3616 East 131st Street, 1st Floor and Basement be and the same is hereby withdrawn and Resolution No. 1641-01, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 28, 2003.

Effective April 30, 2003.

Ord. No. 706-03.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease space in a common area of the West Side Market to the United West Side Market's Tenant Association for the public purpose of installing and operating an automated teller machine.

Whereas, the City of Cleveland owns certain property known as the West Side Market, which contains 10 square feet in a common area that is suitable for lease and operation by another party for a public purpose; and

Whereas, the United West Side Market Tenant's Association ("Association") has proposed to lease this property from the City so that it can contract with a bank to install and operate an automated teller machine ("ATM"); and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the United West Side Market's Tenant Association ("Association") approximately ten (10) square feet in a common area of the West Side Market for the public purpose of installing and operating an automated teller machine ("ATM").

Section 2. That the term of the lease authorized by Section 1 shall be determined by the Director of Parks, Recreation and Properties and shall not exceed twenty-five (25) years.

Section 3. That the property described in Section 1 shall be leased to the Association at no rental fee, but the Association shall use all revenues derived from the ATM for advertising and marketing the West Side Market.

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

Section 5. That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed April 28, 2003.

Effective April 30, 2003.

Ord. No. 707-03.

By Council Member Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Cleveland Artists Foundation to loan the portrait of Daniel Morgan to the Cleveland Artists Foundation from May 1, 2003 through August 4, 2003.

Whereas, the City of Cleveland owns a portrait of Daniel Morgan, which portrait is located in the Mayor's Office; and

Whereas, the Cleveland Artists Foundation has requested that the City loan this portrait for an exhibition at the Beck Center for the Arts from May 1, 2003 through August 4, 2003; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the Cleveland Artists Foundation to loan the portrait of Daniel Morgan from approximately May 1, 2003 through August 4, 2003. The agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City.

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

Passed April 28, 2003.
Effective April 30, 2003.

Ord. No. 710-03.

By Council Member Conwell.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Northeastern Neighborhood Development Corporation for their 2nd Annual Housing Expo in order to carry out the public purpose of providing home ownership educational programming to the residents of Cleveland 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 Director of Community Development is authorized to enter into a grant agreement with Northeastern Neighborhood Development Corporation for their 2nd Annual Housing Expo in order to carry out the public purpose of providing home ownership educational programming to the residents of Cleveland through the use of Ward 9 Neighborhood Equity Funds.

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

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed April 28, 2003.
Effective April 30, 2003.

Ord. No. 711-03.

By Council Member Dolan.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Joseph Academy to stretch banners at 3430 Rocky River Drive (Pole Nos. 539489-205539), for the period from May 1, 2003 to May 31, 2003, inclusive, honoring Mary Jordan, recipient of the Pulitzer Prize for journalism.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to St. Joseph Academy to install, maintain and remove banners at 3430 Rocky River Drive (Pole Nos. 539489-205539), for the period from May 1, 2003 to May 31, 2003, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 28, 2003.
Effective April 30, 2003.

Ord. No. 712-03.

By Council Member Britt.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Overlook Ventures LLC and Nottingham-Spirk Design Associates, Inc. for the Nottingham Spirk Innovation Center Project through the use of Ward 6 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 Overlook Ventures LLC and Nottingham-Spirk Design Associates, Inc. for the Nottingham Spirk Innovation Center Project for the public purpose of new job creation for Cleveland residents through the use of Ward 6 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$75,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 28, 2003.
Effective April 30, 2003.

Ord. No. 713-03.

By Council Member Rybka.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Slavic Village Development for the renovation of the Frock Building for the purpose of new job creation through the use of Ward 12 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Slavic Village Development for the renovation of the Frock Building located at 5624 Broadway, Cleveland, Ohio for the public purpose of creating new jobs for Cleveland residents through the use of Ward 12 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$50,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed April 28, 2003.
Effective April 30, 2003.

Ord. No. 722-03.

By Council Member Dolan.

An emergency ordinance to amend Section 1 of Ordinance No. 515-03 passed March 24, 2003, relating to the issuance of a permit for the Walk for Hunger.

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. 515-03 passed March 24, 2003, is hereby amended to read as follows:

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 10, 2003, beginning at Burke Lakefront Airport and progressing to E. 9th Street, south on East 9th, west on Lakeside to West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on E. 9th to Huron, east on Huron to Euclid, west on Euclid back to E. 9th, north on 9th to Superior, west on Superior to Mall, cross through mall to Lakeside, east on Lakeside to E. 9th, north on E. 9th to North Coast Harbor, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That the existing Section 1 of Ordinance No. 515-03 passed March 24, 2003 is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Ord. No. 723-03.

By Council Member Jackson.

An emergency ordinance authorizing certain persons to engage in mobile peddling in Ward 5. (Malachy Nzekwe).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon 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 675.07 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 5: Malachy Nzekwe.

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 may be revoked at any time by this Council.

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

Passed April 28, 2003.
Effective April 30, 2003.

Ord. No. 724-03.

By Council Member Scott.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 8. (Pamela Dennis).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon 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 8; 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 675.07 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 8: Pamela Dennis at 10401 Superior Avenue.

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 may be revoked at any time by this Council.

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

Passed April 28, 2003.
Effective April 30, 2003.

COUNCIL COMMITTEE MEETINGS

**Thursday, May 1, 2003
9:00 A.M.**

Public Safety Committee: Present: Reed, Chair; Britt, Vice Chair; Coats, Brady, Zone, Conwell. Authorized Absence: Jones, Cimperman, White.

Health and Human Services Committee: Present: Britt, Chair; Zone, Vice Chair; Gordon, Scott, Conwell. Authorized Absence: Polensek, Cintron.

**Wednesday, May 7, 2003
9:30 A.M.**

Public Safety Committee: Present: Reed, Chair; Britt, Vice Chair; Coats, Brady, Jones, Zone, White, Cimperman, Conwell.

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