

The City Record

Official Publication of the Council of the City of Cleveland



January the Eighth, 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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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE

President of Council-Frank G. Jackson

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

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

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

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

DEPT. OF FINANCE - Robert H. Baker, Director, Room 104;
 Frank Badalamenti, Manager, Internal Audit
 DIVISIONS: Accounts - Alan Schneider, Commissioner, Room 19
 Assessments and Licenses - Dedrick Stephens, Commissioner, Room 122
 City Treasury - Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control - James Gentile, Controller, Room 18
 Information Systems Services - Cleo Henderson, Commissioner, 1404 E. 9th St.
 Purchases and Supplies - Myrna Branche, Commissioner, Room 128
 Printing and Reproduction - Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES - Michael G. Konicek, Director, 1201 Lakeside Avenue
 DIVISIONS - 1201 Lakeside Avenue
 Cleveland Public Power - James F. Majer, Commissioner
 Street Lighting Bureau - _____, Acting Chief
 Utilities Fiscal Control - Dennis Nichols, Commissioner
 Water - Julius Ciaccia, Jr., Commissioner
 Water Pollution Control - Darnell Brown, Commissioner

DEPT. OF PORT CONTROL - John C. Mok, Director,
 Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Burke Lakefront Airport - Khalid Bahkur, Commissioner
 Cleveland Hopkins International Airport - Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
 DIVISIONS: Architecture - Kurt Weibusch, Commissioner, Room 517
 Engineering and Construction - Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
 Streets - Randell T. Scott, Commissioner, Room 25
 Traffic Engineering - Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
 Waste Collection and Disposal - Ron Owens, Commissioner, 5600 Carnegie Avenue.

DEPT. OF PUBLIC HEALTH - Matthew Carroll, Acting Director, Mural Building, 1925 St. Clair Avenue
 DIVISIONS: Correction - Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
 Environment - Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
 Health - Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Avenue

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

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

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

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

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

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

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

DEPT. OF CONSUMER AFFAIRS - Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, JANUARY 8, 2003

No. 4648

CITY COUNCIL

MONDAY, JANUARY 6, 2003

The City Record

Published weekly under authority of the Charter of the City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated
\$6.25 per month
Address all communications to
VALARIE J. McCALL
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, January 6, 2003.

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

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

Also present were Mayor Campbell and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, Hudecek, Romero, Sims, Taylor, Wisham, Guzman, Ronayne, Acting Directors Carroll, Glending; Executive Assistants Jenkins, McGuirk, Tame, Mueller, Celeste Glasgow, Director of Communications; Margaret A. Jackson, Legislative Affairs Liaison; Jeffrey D. Johnson, Erik Janas, Inter-Governmental Affairs Officers, Paula Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Joe Milano of the Church of the Living

God, located at 9403 Garfield Boulevard. Pledge of Allegiance.

MOTION

On the motion of Council Member Jones the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Brady.

COMMUNICATIONS

File No. 1-03.

From the Lutheran Metropolitan Ministry — 2001 Annual Report, A Day in the Life of Community Re-Entry. Received.

File No. 2-03.

From the Intercontinental Hotel & Conference Center — I Vision, Winter 2003. Received.

File No. 3-03.

From the Division of Purchases and Supplies re: Mayor's Emergency Requisitions/Purchase Orders — no orders for the month of December 2002. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 4-03.

Re: New Application — 60690860005 — Mizrah Zkout, Inc., d.b.a. Tom's Market, 4324 Warner Road. (Ward 12). Received.

File No. 5-03.

Re: Transfer of Ownership Application — 2466088 — El Taino Restaurant, Inc., d.b.a. El Taino Restaurant, 3038 Scranton Road. (Ward 14). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 21-03—George B. Kasik.

Res. No. 22-03—Florene Morgan.

Res. No. 23-03—Leon Bibb, Sr.

Res. No. 24-03—Bennie Ware.

Res. No. 25-03—Matthew William Stevens.

Res. No. 26-03—Tommy Vilfroy.

Res. No. 27-03—Stephanie Turner.

Res. No. 28-03—Diane Newsome.

CONGRATULATION RESOLUTIONS

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

Res. No. 29-03—James Whitley, Jr.

Res. No. 30-03—John J. Schneider.

Res. No. 31-03 — Laurence B. Puchajda, Jr.

Res. No. 32-03—William P. Lally.
Res. No. 33-03 — Eva Laverne Daniels.

Res. No. 34-03—Melissa E. Salodanis.

Res. No. 35-03—Danny Cameron.
Res. No. 36-03—Kelly Holcom.

RECOGNITION RESOLUTION

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

Res. No. 37-03—Lady "Barbara" Gilmore.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 6-03.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. 57651 with Montgomery Watson & Harza.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into an amendment to City Contract No. 57651, between the City of Cleveland and Montgomery Watson & Harza, to perform Phase II of the Citywide Geographic Information System ("GIS") Project. Phase II will include, but is not limited to implementation, data conversion, software, maintenance in hardware and software, training, QA/QC, parcel conversion, application development of manuals and optional tasks.

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

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

Section 3. That the cost of the amendment shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, 52 SF 229, 52 SF 231 and from the fund and subfunds which are credited the proceeds of the sale of future waterworks revenue bonds which include and which are appropriated for this purpose, Request No. 131736.

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.

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

Ord. No. 7-03.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the Mayor to enter into an agreement with the communities of the Euclid Creek Watershed Council; and authorizing the Mayor to designate a City official to serve in his or her official capacity as the representative to the Steering Committee of the Euclid Creek Watershed Council.

Whereas, the City of Cleveland has joined with other communities to address common environmental, storm water and development concerns in the Euclid Creek Watershed; and

Whereas, the City of Cleveland desires to participate in a Watershed Council to promote interjurisdictional cooperation in addressing watershed issues in the Euclid Creek Watershed including cooperation with a Euclid Creek Watershed Coordinator to develop a watershed plan for the Euclid Creek; 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 declares that the City wishes to participate in the Watershed Council and authorizes the Mayor to enter into an agreement with the communities of the Euclid Creek Watershed Council to establish the roles and responsibilities of the participating communities and to promote interjurisdictional cooperation in watershed planning in the Euclid Creek and coordination of Phase II Storm water activities of participating communities.

Section 2. That the Mayor may appoint one City official to serve as the City of Cleveland's representative to Steering Committee of the Euclid Creek Watershed Council to represent the City and the City's interest. The representative shall serve in his or her official capacity.

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

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

Ord. No. 8-03.

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

An emergency ordinance to authorize the issuance and sale of subordinated Airport Revenue Notes in the aggregate principal amount not to exceed \$48,500,000, in anticipation of the issuance of Bonds, to retire outstanding notes issued to pay costs of acquiring real property and interests in real property for the purpose of improving the airport system.

Whereas, under authority of Ordinance No. 492-01 passed by the Council on April 30, 2001, the City issued \$44,950,000 Taxable Airport Surplus Revenue Notes, Series 2001 (the "Outstanding Notes") to retire an original issue of notes authorized by Ordinance No. 78-99 passed January 14, 1999 and issued for the purpose of acquiring real property and interests therein for the future expansion of Cleveland Hopkins International Airport; and

Whereas, the Outstanding Notes may be redeemed prior to maturity on March 1, 2003, and the City has determined that redeeming the Outstanding Notes on that date will enable the City to achieve debt service savings, based on the current conditions in the financial markets, and, as a result, the City has determined to issue the Notes authorized by Section 3 to provide funds to redeem the Outstanding Notes on March 1, 2003 or, if that is no longer advantageous, to retire the Outstanding Notes at maturity on June 1, 2003; now, therefore,

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

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

"Airport" means Cleveland Hopkins International Airport, as it now exists or hereafter may be changed, modified, or expanded.

"Airport System" means the Airport and Burke Lakefront Airport, as they now exist or hereafter may be changed, modified or expanded.

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Notes "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Notes and that principal and interest.

"Certificate of Award" means, the certificate authorized by Section 11, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Notes and their issuance, sale, and delivery, as this Ordinance requires or authorizes to be set forth or determined therein.

"Continuing Disclosure Certificate" means, collectively, the certificate or certificates authorized by Section 14, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and book entry owners of the Notes in accordance with the Rule.

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

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

"Financial Advisor" means with respect to the Notes or any hedging transaction authorized by this Ordinance, Government Capital Management, L.L.C. or Columbia Equity Financial Corp., or any financial advisory firm or firms retained by the City, from time to time, acting jointly or singly.

"Indenture" means the Trust Indenture, dated as of November 1, 1976, between the City and J.P. Morgan Trust Company, National Association (as successor to The Cleveland Trust Company), as Trustee, together with all supplements thereto.

"Note Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Purchase Agreement, any trust agreement, any Continuing Disclosure Certificate, and such other proceedings of the City, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

"Original Purchaser" means the original purchasers of the Notes: Bear Stearns & Co. Inc., Banc One Capital Markets, Inc. and Apex Pryor Securities.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Project" means the acquisition of real property and interests in real property for the purpose of improving the Airport System.

"Rule" means Rule 15c2-12, prescribed by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

"Subordinated Airport Revenue" means the Airport Revenue (as defined in the Indenture) deposited in the Surplus Fund and/or the Improvement Fund (both Funds as created under Section 5.02 of the Indenture), subject to any requirements of the Use Agreements (as defined in the Indenture) for the approval by the Airlines (as defined in the Indenture) of, or lack of objection by the Airlines to, the use by the City of such deposits for the Project.

Any reference herein to the City or the Council of the City, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council, or any other officers of the City, shall include those who or which succeed to the functions, duties, or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties, or responsibilities.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa.

Section 2. The Bonds. It is necessary to issue bonds of this City in an aggregate principal amount not to exceed \$48,500,000 (the "Bonds") to pay a portion of the costs of the Project, including costs of issuance of the Bonds, to adequately fund any debt service reserve fund that may be established pursuant to Section 12, and to retire the Notes (as defined in Section 3 below). Interest on the Bonds shall be payable semi-annually until the principal amount is paid. The Bonds are estimated to mature in 25 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The Bonds will be subordinated revenue obligations of the City, the principal of and interest on which will be secured solely by, and payable solely from, Subordinated Airport Revenue. The Notes may be retired from the proceeds of obligations issued other than the Bonds or from other moneys available for such purpose. The Bonds or other obligations that may be issued to retire the Notes will have such terms as are provided in a subsequent ordinance of this Council authorizing their issuance and sale.

Section 3. Issuance of Notes. It is necessary for the reasons set forth in the preambles to this Ordinance, and this Council determines, that notes in the aggregate principal amount not to exceed \$48,500,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, the proceeds of which will be used to retire the Outstanding Notes and may be used, if and to the extent so provided in the Certificate of Award, to pay costs of any Credit Support Instrument with respect to the Notes, to fund interest on the Notes and any debt service reserve fund established under Section 12, and to pay costs of issuance of the Notes. The Notes shall be issued in the aggregate principal amount not to exceed \$48,500,000 that is determined by the Director of Finance in the Certificate of Award to be required to be issued for the purposes stated above in this Section, taking into account other moneys available for such purposes. The Notes shall be dated the date of issuance or such other date as is designated in the Certificate of Award. The Notes shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with his determination of the best interest of and financial advantages to the City, provided that such date shall not be later than five years from the date of issuance of the Notes.

Section 4. Interest. The Notes shall bear interest from their date at the rate per annum set forth in the Certificate of Award, or if any Notes bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Notes shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or pay-

ment is provided for. If any Notes bear interest at a fixed rate, that rate shall not exceed six percent (6%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Notes bear interest at a variable rate or rates, those rates shall not exceed that set forth in Section 5, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

Section 5. Variable Rate Notes. In the event that the Director of Finance determines that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined, whether by reference to a market index, by auction, by a remarketing agent or otherwise; provided that the variable rate Notes shall not bear interest at a rate in excess of twelve percent (12%) per annum. That maximum interest rate shall not apply to variable rate Notes during any period those Notes are held by a provider of a Credit Support Instrument because they could not be remarketed and the terms of the Credit Support Instrument do not permit such a maximum rate of interest. Holders of variable rate Notes may be given the right to tender their variable rate Notes for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Note. If the Director of Finance designates any Notes as variable rate Notes, and if the holders of the variable rate Notes are to be entitled to tender the variable rate Notes for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Notes the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes,

and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents, auction agents and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Notes, and regardless of the Notes bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Notes, if he determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 6. Payment of Debt Charges on the Notes; Redemption. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the Registrar (as defined in Section 7) as the City's paying agent. If agreed to by the Original Purchaser, the Notes shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in the Certificate of Award and this Ordinance.

If fewer than all of the Notes of a single maturity are to be redeemed, the selection of Notes of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Notes by lot when Notes of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination shall be treated as if it were a separate Note of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Note are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Note shall surrender the Note to the Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Note or Notes of any authorized denomina-

tion or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Note surrendered.

The notice of the call for redemption of Notes shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Notes or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Note subject to redemption in whole or in part at the registered owner's address shown on the Note Register (as defined in Section 7) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Note, however, shall not affect the validity of the proceedings for the redemption of any Note.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Notes for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Notes shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Notes.

Section 7. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent, and paying agent for the Notes after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") in a form consistent with this Ordinance and as approved by the Director of Law. In the event that a trust agreement secures the Notes, as provided in Section 12, the Registrar Agreement may be incorporated in such trust agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

The Notes shall be issued only as fully registered Notes. Principal on the Notes shall be payable when due upon presentation and surrender of the Notes at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Note shall be paid on each interest payment date by check or draft mailed to the person in whose name the Note was registered, and to that person's address appearing on the Note Register (defined below in this Section) at the close of business on the 15th day next preceding that interest payment date. The City will cause the Registrar to maintain and keep all books and records necessary for the registration, exchange, and transfer of Notes as provided in this Section (the "Note Register") so long as any of the Notes remain outstanding. Subject to the provisions of this Section, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of the Note Proceedings. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

Section 8. Transfer and Exchange of Certain Notes. Notes may be exchanged for Notes of any autho-

riized denomination upon presentation and surrender at the office designated by the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office designated by the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate, and deliver a new Note or Notes, of any authorized denomination or authorized denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Note Proceedings, as the Notes surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Note during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Notes and ending at the close of business on the day of such mailing or to transfer or exchange any Note selected for redemption in whole or in part.

Section 9. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interests of and financially advantageous to the City, the Notes may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single, fully registered Note representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry

interest owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of book entry interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

Section 10. Execution of Notes. Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Note Proceedings unless and until the certificate of authentication printed on the Note is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Note Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Notes.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the

form and correctness thereof by his manual or facsimile signature. The Notes shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single note and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Notes in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 11. Sale of Notes. The Notes shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Notes, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a note purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk of Council, the Director of Law, and other City officials, as appropriate, are each

authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 12. Security for the Notes. The Notes are special obligations of the City. The interest on the Notes, unless paid from other sources available to the City, is secured solely by, and is payable solely from proceeds of the Notes or Bonds or the Subordinated Airport Revenue.

The principal of the Notes, unless paid from other sources available to the City, is payable solely from the proceeds of the Bonds. The City covenants and agrees to do all things necessary to effect the issuance and delivery, prior to the maturity of the Notes, of the Bonds or any renewal notes, in that principal amount as may be necessary, together with any other moneys available to the City for the purpose, to pay the debt service on the Notes when due at maturity and to do all things necessary to sell the Bonds in sufficient time to permit their delivery prior to the maturity of the Notes. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose. Notwithstanding the foregoing, the City covenants and agrees to issue Additional Revenue Bonds on a parity with Airport Revenue Bonds (all as defined in the Indenture) to retire the Notes, if and to the extent the City can satisfy the conditions precedent under the Indenture for the issuance of Additional Revenue Bonds. Further, if the Director of Finance determines, based on the written advice of the Financial Advisor, that under conditions of the market at that time, the Bonds cannot be issued with reasonable terms, the City covenants and agrees that it will issue obligations payable from other City sources to retire the Notes at maturity.

The City shall not be obligated to pay principal of and interest on the Notes from any funds or sources other than those described in this Section, and the Notes shall not be a claim upon or lien against any other property of the City. The Notes, as to both principal and interest, are not general obligations of the City, and the full faith and credit of the City is not pledged to their payment. The holders of the Notes shall have no right to have taxes levied by the City for the payment of principal of and interest on the Notes. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this Ordinance or of the Notes.

The City will observe and perform all its agreements and obligations provided for by the Notes or this

Ordinance. All of the obligations under this Ordinance are hereby established as duties specifically enjoined by law and resulting from an office, trust, or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.

In the event that the interest on the Notes is to be provided for from Note proceeds, or if in the judgment of the Director of Finance, after consultation with the Financial Advisor, a debt service reserve to secure the Notes is in the best interest of and financially advantageous to the City, the City shall enter into a trust agreement with the bank or trust company serving as Registrar for the Notes and providing for a debt service fund or debt service reserve fund, as applicable, to be held by that bank or trust company, in its capacity as trustee, and such fund or funds are hereby authorized. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the trust agreement in a form consistent with this Ordinance and approved by the Director of Law. The Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Notes. Such trust agreement may be supplemental to the Indenture. The City hereby covenants and agrees to appropriate annually from the Subordinated Airport Revenue into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 13. Note Proceeds. The proceeds from the sale of the Notes are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds to be used to pay interest on the Notes or to make a required deposit to a debt service reserve fund shall be paid into the debt service fund and debt service reserve fund, respectively, created pursuant to Section 12. Any money in the debt service fund created for the security of the Outstanding Notes remaining after payment (or provision for payment) of debt service on the Outstanding Notes shall be held for the security of the Notes and used to pay debt service on the Notes.

Section 14. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any sup-

plements thereto in connection with the initial offering of the Notes, (iv) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document, and (v) contract for the services for the production and distribution of the disclosure document, including by printed and electronic means.

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

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Section 15. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for a rating on the Notes by one or more nationally recognized rating agencies or a Credit Support Instrument is in the best interest of, and financially advantageous to, the City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or credit provider such information as may be required for the purpose. The cost of obtaining each rating and Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Notes.

Section 16. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Notes, the Director of Finance may, based on the written advice of a Financial Advisor, enter into one or more agreements in connection with or subsequent to the issuance of the Notes for an interest rate swap, swaption, rate cap, rate collar or other hedging transaction to lower the effective interest rate on the obligations to the City or to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the counterparty to any hedging transaction shall have a rating of at least "A" by either Moody's Investors Service, Inc., or Standard & Poor's Corporation; (ii) payments by the City to the counterparty to the hedging transaction shall be limited to the same sources which secure payment of the Notes as described in this Ordinance; and (iii) the cost of any hedging arrangement shall have been determined by the Director of Finance, based on the written advice of a Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions.

Section 17. Tax Covenants. In the event that the Notes are issued and sold as obligations bearing interest that is excluded from gross income for federal income tax purposes, the covenants in this Section 17 shall govern. However, if the Notes are issued and sold as obligations bearing interest that is included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section with respect to the Notes.

Subject to the foregoing, the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code. The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed

with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 18. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 19. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Notes authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 20. Satisfaction of Conditions. This Council determines that all acts and conditions necessary to

be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Notes.

Section 21. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 22. Emergency. This Ordinance is hereby declared to be an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual and daily operation of a municipal department, by providing for the redemption or retirement of the Outstanding Notes. Provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 9-03.
By Council Members Johnson, White and Jackson (by departmental request).

An emergency ordinance to amend Section 181.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1119-61, passed June 12, 1961, relating to purchases of perishable supplies and foodstuffs.

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 181.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1119-61, passed June 12, 1961, is amended to read as follows:

Section 181.16 Purchases of Perishable Supplies and Foodstuffs

The purchase of foodstuffs and perishable supplies required for use in the hospitals and similar institutions and the purchase of beer for sale at the golf courses of the City, which the Commissioner of Purchases and Supplies has determined to be impracticable to obtain

through a requirement contract basis, may be made on orders given in the open market without posting. The purchases authorized under this section shall not be considered to be splitting of requisitions as prohibited under Charter Sections 108 and 109.

Section 2. That existing Section 181.16 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1119-61, passed June 12, 1961, is repealed.

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

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Legislation, Finance.

Ord. No. 10-03.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 973-75 East 140th Street to Mt. Holiness Church.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 115-03-110, as more fully described below, to Mt. Holiness Church.

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

P. P. No. 115-03-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 241 in Cowel, Brooks and Smyth's Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 9 of Maps, Page 11 of Cuyahoga County Records and being 40 feet front on the Easterly side of Adams Avenue (now known as East 140th Street) and extending back of

equal width 137' 4" deep, as appears by said plat.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 11-03.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6419 Quincy Avenue to Lemoyne Nesbitt, Jr.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-30-031, as more fully described below, to Lemoyne Nesbitt, Jr.

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

P. P. No. 118-30-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 125 in W. S. and M.W. Chamberlain's Allotment of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 28 of Cuyahoga County Records, said Sublot No. 125 has a frontage of 40 8/12 feet on the Northerly side of Quincy Avenue, S.E., (formerly Wade Street) and extends back between parallel lines 160 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 12-03.

By Council Member Cintron.

An emergency ordinance to amend Section 1 of Ordinance No. 2399-02, passed December 9, 2002 as it pertains to the Spanish American Committee sponsoring the Three Kings Day Program through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That Section 1 of Ordinance No. 2399-02, passed December 9, 2002 is hereby amended to read respectively as follows:

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Spanish American Committee for the Three Kings Day Program effective from December 5, 2001 to January 21, 2003 for the public purpose of providing food to needy families and underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

Section 2. That Section 1 of Ordinance No. 2399-02, passed December 9, 2002 is hereby repealed.

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

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

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

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

Ord. No. 13-03.

By Council Member Conwell.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 9. (Tyronne Battle).

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 9; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That 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 9: Tyronne Battle at the southwest corner of Cornell Road and Dorm Court.

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.

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

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

Ord. No. 14-03.

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

An emergency ordinance to amend Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 2448-02, passed December 16, 2002, relating to compensation for various classifications.

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

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

Section 1. That Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 2448-02, passed December 16, 2002, is amended to read as follows:

Section 17. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Auto Body Repair Unit Leader.....	\$12.88	\$20.59
2. Auto Body Repair Worker.....	\$15.73	\$18.25
3. Automobile Repair Helper.....	\$10.13	\$14.39
4. Automobile Repair Worker.....	\$12.60	\$18.09
5. Automobile Repairman Unit Leader.....	\$17.78	\$21.95
6. Blacksmith.....	\$15.79	\$21.38
7. Garage Worker.....	\$12.42	\$15.38
8. Heavy Duty Mechanic.....	\$15.75	\$21.67
9. Heavy Duty Unit Leader.....	\$23.85	\$26.87
10. Small Equipment Repair Worker.....	\$12.26	\$16.64
11. Tire Repair Worker.....	\$14.08	\$16.49
12. Welder.....	\$18.36	\$21.08

Section 2. That existing Section 17 of Ordinance No. 469-02, passed April 1, 2002, as amended by Ordinance No. 2448-02, passed December 16, 2002, is repealed.

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

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

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

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

Res. No. 15-03.

By Council Member Jackson (by departmental request).

An emergency resolution requesting the County Auditor to make tax advances during the year 2003, under Section 321.34 of the Ohio Revised Code.

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

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

Section 1. That the County Auditor is requested to draw, and the County Treasurer is requested to pay, on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2003 and credited to the account of the City of Cleveland and lawfully applicable to the purpose of the 2003 fiscal year. The payments will be made on the request of the Director of Finance or the Mayor of the City of Cleveland.

Section 2. That the Clerk of Council is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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.

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

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

Res. No. 16-03.

By Council Member Britt.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2609 East 110th Street and repealing Resolution No. 1156-02, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 2609 East 110th Street by Resolution No. 1156-02 adopted by the Council on June 3, 2002; 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, Patricia J. Britt and Applicant, Clarmada C. Hodge, DBA East 110th Drive Thru, 2609 East 110th Street, Cleveland, Ohio 44104, Permanent Number 3884165, 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 C2 and C2X Liquor Permit to 2609 East 110th Street be and the same is hereby withdrawn and Resolution No. 1156-02, 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.

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

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

Res. No. 17-03.

By Council Member Britt.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 8302 Cedar Avenue, 1st Floor and repealing Resolution No. 1607-02, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 Liquor Permit to 8302 Cedar Avenue, 1st Floor by Resolution No. 1607-02 adopted by the Council on August 14, 2002; 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, Patricia J. Britt and Applicant, Devious McDade, DBA DE & TS Maxwell Cutrate, 8302 Cedar Avenue, 1st Floor, Cleveland, Ohio 44103, Permanent Number 2068613, 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 C1 Liquor Permit to 8302 Cedar Avenue, 1st Floor be and the same is hereby withdrawn and Resolution No. 1607-02, 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.

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

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

Res. No. 18-03.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 16921 St. Clair Avenue, 1st Floor, Front Only and repealing Resolution No. 1675-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 16921 St. Clair Avenue, 1st Floor, Front Only by Resolution No. 1675-02 adopted by the Council on August 14, 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, Michael D. Polensek and Applicant, James D. Sanders, President of Jason Family, Inc., 16921 St. Clair Avenue, Cleveland, Ohio 44110, Permanent Number 4251884, 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 D5 Liquor Permit to 16921 St. Clair Avenue, 1st Floor, Front Only be and the same is hereby withdrawn and Resolution No. 1675-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 19-03.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 11902 Kinsman Avenue and repealing Resolution No. 1690-02, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 11902 Kinsman Avenue by Resolution No. 1690-02 adopted by the Council on August 14, 2002; 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, King E. Baker, DBA B & B Drive Thru Beverage & Food Mart, 11902

Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 0390153-0010, 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 C2 and C2X Liquor Permit to 11902 Kinsman Avenue be and the same is hereby withdrawn and Resolution No. 1690-02, 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.

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

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

Res. No. 20-03.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 12301 Imperial Avenue and repealing Resolution No. 1445-02, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 12301 Imperial Avenue by Resolution No. 1445-02 adopted by the Council on July 17, 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, Zachary Reed and Applicant, Hiam Toyeh Assed, President of Hiam A. Inc., 12301 Imperial Avenue, Cleveland, Ohio 44120, Permanent Number 3820139, 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 C2 and C2X Liquor Permit to 12301 Imperial Avenue be and the same is hereby withdrawn and Resolution No. 1445-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 2450-02.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into amendments to contracts with SBC Global Services, Inc. for Centrex telephone services.

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

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

THIRD READING EMERGENCY ORDINANCE PASSED

Ord. No. 2243-02.

By Council Members Polensek, Johnson, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located at 16300 Lakeshore Boulevard for the purpose of park and recreational purposes.

Read third time. Passed. Yeas 20. Nays 0.

MOTION

By Council Member Jones and seconded by Council Member Brady and unanimously carried that at the absence of Council Member Nelson Cintron, Jr., be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:37 p.m. to meet on Monday, January 13, 2003 at 7:00 p.m. in the Council Chambers.

Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

NO MEETING

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

TUESDAY, JANUARY 21, 2003

9:30 A.M.

Calendar No. 02-368: 4700-02 Bridge Avenue (Ward 14)

Assaad Hasrouni, owner, appeals to change the use of an existing 22' x 50' tenant space of an existing 65' x 70' one-story masonry building from as bar into a hardware store, all situated on an approximate 92' x 125' corner parcel located in a Two-Family District on the northwest corner of West 47th Street and Bridge Avenue at 4700-4702 Bridge Avenue; said change of use being contrary to the Residential District Requirements of Section 337.03, where a hardware store is not permitted in a Two-Family District and subject to the Nonconforming Use Requirements, where the substitution of a nonconforming use requires the Board of Zoning Appeals approval as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 03-1: 308 Euclid Avenue (Ward 13)

MRN Ltd., owners c/o Richard Maron, appeal to construct an additional 16 stories to an existing 4-story masonry retail building, all situated on an acreage parcel located in a General Retail Business District on the south side of Euclid

Avenue at 308 Euclid Avenue; said construction and addition being contrary to the Height Regulations of Section 353.01(b), where the total height of a building in a "5" height district should not exceed 250' in height and 285' is proposed and contrary to the Yards and Courts Requirements of Section 357.08, where a 20' rear yard setback is required and 0' is proposed and interior side yards of 0' are proposed and interior side yards of 1/4 the height of the main building are required as stated in Section 357.09(b)(2)(B) of the Codified Ordinances.

Calendar No. 03-2: 17300 Lakeshore Boulevard (Ward 11)

Joseph Adornetti, owner, and Madeline Lewis, tenant, appeal to change the use of an existing approximate 50' x 55' one-story, masonry restaurant building into a day care facility all situated on an approximate 91' x 200' parcel located in a Local Retail Business District on the south side of Lakeshore Boulevard at 17300 Lakeshore Boulevard; said change of use being contrary to the Business District Requirements of Section 343.01(b)(1), where by reference as regulated in the least restricted Residence District, (Section 337.02(f)(3)(c), a day care is required to be 30' from any adjoining premises not used for a similar purpose and the proposed use abuts a residential premises and contrary to the Off-Street Parking and Loading Requirements of Section 349.08, where a chain link fence is proposed and the proposed parking lot must be screened from all residential premises with an opaque fence or dense 4' wide landscape strip providing year round screen cover and contrary to the Landscaping and Screening Requirements of Sections 352.08-352.10, where an 8' wide landscaping strip is required where the property abuts the residential district at the rear and none is proposed and a 6' wide landscape frontage strip is required and contrary to the Fence Regulations, where a 6' high fence is proposed and 4' is required as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 03-3: 9701 Lorain Avenue (Ward 18)

Adolph Claudio, owner, appeals to expand and change the use of an existing approximate 75' x 116' one-story, fine arts shop building to include tattoo and body piercing all situated on an 80' x 120' parcel located in a General Retail Business District on the south side of Lorain Avenue at 9701 Lorain Avenue; said expansion and change of use being contrary to the Specific Use Regulations, where the proposed use abuts a Two-Family District at the rear and is within 1000' of a church at West 99th and Denison and no such use shall be established within 1000' of a residential district, day care center, school, public library, church, playground, public or non-profit recreation center or community center as stated in Section 347.12(b)(1) of the Codified Ordinances.

Calendar No. 03-4: 5832 Brookside Drive (Ward 16)

Michael Heryak and Janet Wyrwas, owners, appeal to construct a

12' x 26' two-story room addition to the rear of an existing one family house all situated on an approximate 50' x 166' irregular shaped parcel located in a One-Family District on the north side of Brookside Drive at 5832 Brookside Drive; said construction being contrary to the Enforcement and Penalty Requirements, where no building shall be erected, altered or enlarged until a permit for such erection, alteration or enlargement has been issued by the Commissioner of Building as stated in Section 327.02(b) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 6, 2003

At the meeting of the Board of Zoning Appeals on Monday, January 6, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 02-358: 9719 a.k.a. 9721 Ramona Boulevard
Damascus Missionary Baptist Church appealed to construct a 15 space asphalt parking lot on a 100' x 150' parcel in a B1 Two-Family District; subject to condition.

Calendar No. 02-363: 1414 East 115th Street
Luther Pettit appealed to install 154 linear feet of 5' high chain link fencing around the perimeter of a 44' x 110' corner parcel in a Local Retail Business District.

Calendar No. 02-364: 2197 Columbus Road
Niagara Homes Ltd. appealed to construct a 16' x 16' third floor dormer to the rear of a two-story, one family house on a 22' x 135' parcel in a Semi-Industry District.

The following appeals were **Denied:**

Calendar No. 02-353: 3441 West 45th Street
Sidney Small appealed to change the use of a two dwelling unit house to a four dwelling unit house in a Two-Family District.

Calendar No. 02-360: 14201-05 Harvard Avenue
Eleare Kinney appealed to change the use of a two-story store building into a night club in a General Retail Business District.

Calendar No. 02-361: Appeal of Marc Batulewicz, 18415 Melville Road
Marc Batulewicz appealed from a Violation Notice issued by the Division of Building and Housing regarding Access and Maintenance of Off-Street Parking Space Requirements.

The following appeals were **Postponed:**

Calendar No. 02-359: 1403-05 East 6th Street postponed to February 3, 2003.

Calendar No. 02-362: 5945-49 Engel Avenue postponed to February 3, 2003.

Calendar No. 02-308: 11010-12 Superior Avenue postponed to February 10, 2003.

Calendar No. 02-335: 3190 West 105th Street postponed to February 18, 2003.

Calendar No. 02-344: 1892 East 73rd Street postponed to February 10, 2003.

On Monday, January 6, 2003, in Executive Session:

The following appeals were heard by the Board on Monday, December 23, 2002, and said decisions were adopted and approved in Executive Session on January 6, 2003:

The following appeals were **Approved:**

Calendar No. 02-354: 17909 Sedalia Avenue
Frank Bemak appealed to construct a 12' x 16' wolmanized open deck to the rear of a one and one-half dwelling in a One-Family District.

Calendar No. 02-326: 14909 Kingsford Avenue
Stephane Lowe appealed to enclose an existing 7' x 20' front porch of a one family dwelling in a One-Family District.

The following appeals were **Denied:**

Calendar No. 02-352: 16327 Delrey Avenue
Camille Wilson appealed to establish use of a two-story dwelling house as a Type A day care facility in a One-Family District.

Calendar No. 02-356: 1977 West 105th Street
West Cleveland Management appealed to park a vehicle in the front yard setback area in a Semi-Industry District.

Motion for Reconsideration **Granted:**

Calendar No. 02-357: 3895 West 136th Street
Michael A. Sopko appealed to install 57 linear feet of 4' high chain link fencing to the rear and side yards of a corner parcel in a One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, January 15, 2003
1:30 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, January 15, 2003, at 1:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1729-02.

By Council Member Cimperman.
An ordinance to change the zoning of property north of Detroit Avenue, east of West 24th Street, south of the Superior Viaduct and west of the former Mulberry Street to a General Retail District and a PUD Overlay District. (Map Change No. 2055, Sheet No. 1)

Ord. No. 1732-02.

By Council Member Pierce Scott.
An ordinance to change the zoning of properties west of East 105th Street and south of Ashbury Road to an RA-2 Townhouse District. (Map Change Nos. 2058, Sheet No. 8)

Ord. No. 2253-02.

By Council Member Jones.
An ordinance to change the zoning of property on Lee Road, from Preibe Avenue to McCracken Road to a One-Family Residential District. (Map Change No. 2062, Sheet No. 10)

Ord. No. 2390-02.

By Council Member Jackson.
An ordinance to change the zoning in the vicinity of Ashland Road, Longfellow Avenue and Thackery Avenue to a Semi-Industry District. (Map Change No. 2065, Sheet No. 5)

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

January 1, 2003 and January 8, 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."

WEDNESDAY, JANUARY 29, 2003

Labor and Materials Necessary to Clean and Test Insulators, Bushing and Lighting Arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1075-02, passed by the Council of the City of Cleveland, June 17, 2002.

Maintenance of the High Voltage Cable System, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1052-02, passed by the Council of the City of Cleveland, June 18, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING HELD ON THURSDAY, JANUARY 9, 2003 AT 10:00 A.M., AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.

Signal Poles and Mast Arms, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 2207-2000, 921-02 and 1110-02, passed by the Council of the City of Cleveland, January 29, 2001, June 3, 2002 and June 17, 2002, respectively.

January 1, 2003 and January 8, 2003

FRIDAY, FEBRUARY 7, 2003

Rehabilitation of Ramp Around Concourse C, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2374-02 pending.

THERE WILL BE A MANDATORY PRE-BID MEETING & OEO MATCHMAKER SESSION IMMEDIATELY FOLLOWING THE PRE-BID MEETING, FRIDAY, JANUARY 24, 2003 AT 9:30 A.M. AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ANALEX BUILDING AUDITORIUM, LOCATED AT 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

THERE WILL BE A NON-REFUNDABLE FEE OF THREE HUNDRED (\$300.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

January 8, 2003 and January 15, 2003

WEDNESDAY, FEBRUARY 12, 2003

Maintenance and Repair of Overhead Doors, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2308-02, passed by the Council of the City of Cleveland, December 9, 2002.

Window Washing Services, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2306-02, passed by the Council of the City of Cleveland, December 9, 2002.

Commercial Gases, for Various Divisions, Department of Finance, as authorized by Ordinance No. 2307-02, passed by the Council of the City of Cleveland, December 9, 2002.

Baldwin Chemical/Administration Project No. 305, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1975-02, passed by the Council of the City of Cleveland, December 23, 2002.

THERE WILL BE A PRE-BID MEETING TUESDAY, JANUARY 21, 2003 AT 1:00 P.M. IN PUBLIC UTILITIES AUDITORIUM, LOCATED AT 1201 LAKESIDE AVE., CLEVELAND, OHIO 44114.

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

January 8, 2003 and January 15, 2003

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

**Monday, January 6, 2003
9:00 A.M.**

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Gordon, Reed, White, O'Malley, Coats, Britt, Brady, Scott. Authorized Absence: Westbrook.

9:30 A.M.

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

**Wednesday, January 8, 2003
10:00 A.M.**

Aviation & Transportation Committee: Present: Westbrook, Chair; Sweeney, Vice Chair; Britt, Rybka, Gordon, Reed. Authorized Absence: Dolan.

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O—Ordinance; R—Resolution; F—File

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