

# The City Record

Official Publication of the City of Cleveland

May the Twenty-Second, Two Thousand and Two

**Mayor**  
**Jane L. Campbell**

**President of Council**  
**Frank G. Jackson**

**Clerk of Council**  
**Valarie J. McCall**

<b>Ward</b>	<b>Name</b>
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	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	10513 Clifton Boulevard	44102
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

### MAYOR - Jane L. Campbell

- Terrell Cole, Executive Assistant
- Erik Janas, Executive Assistant
- Rodney Jenkins, Executive Assistant
- David M. McGuirk, Executive Assistant
- Timothy Mueller, Executive Assistant
- Henry Guzman, Director, Office of Equal Opportunity
- Margreat A. Jackson, Legislative Affairs Liaison

**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 - Shareen Jackson, Commissioner, Room 19
- Assessments and Licenses - Dedrick Stephens, Commissioner, Room 122
- City Treasury - Algeron Walker, Treasurer, Room 115
- Financial Reporting and Control - Joel Nacion, Acting 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** - Darnell Brown, Acting 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** - Michael G. Konicek, Acting 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 Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
- Environment - Michael Krzywicki, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
- Health - Susan E. Axelrod, 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** - Greg Huth, Acting Director, Room 210

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

**DEPT. OF CONSUMER AFFAIRS** - Kenya Taylor, Director

**COMMUNITY RELATIONS BOARD** - Room 11, John E. Barnes, Jr., 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.; \_\_\_\_\_, 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 Richard F. Horvath, President; Finance Director Betsy Hruby, Secretary; Council President Frank G. Jackson.

**BOARD OF SIDEWALK APPEALS** - Service Director Mark Ricchiuto; Law Director Richard F. Horvath; Councilman Martin J. Sweeney.

**BOARD OF REVIEW** - (Municipal Income Tax) - Law Director Richard F. Horvath; Utilities Director Darnell Brown; 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, Richard F. Horvath; Chairman; Finance Director Betsy Hruby; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

**BOARD OF EXAMINERS OF ELECTRICIANS** - Samuel Montfort, Chairman; Donald Baulknlight, 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 Emanuella Groves	12B
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Mary E. Kilbane	14C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	12A

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 89

WEDNESDAY, MAY 22, 2002

No. 4615

## CITY COUNCIL

MONDAY, MAY 20, 2002

### 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**

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. — **Public Health 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, May 20, 2002.

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

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

Also present were Mayor Campbell, Acting Director Langhenry, Chief Director of Director Baker, Acting Director Brown, Director Richiuto, Acting Director Carroll, Acting Director Shade, Acting Director Glending, Acting Director Williams, Director Romero, Acting Director Huth, Director Ronayne, Director Barnes, and Chief Tame. Rodney Jenkins, Executive Assistant to the Mayor, Margaret A. Jackson, Legislative Affairs Liaison, John Goersmeyer, Assistant Press Secretary were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Elder James Howard Bannerman of

Greater Prayer Tower Church of God in Christ located at 2606 Martin Luther King Boulevard in Ward 6. Pledge of Allegiance.

#### MOTION

On the Motion of Council Member Sweeney, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Lewis.

#### OATH OF OFFICE

##### File No. 959-02.

Subodh Chandra - Law Director of the City of Cleveland.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 960-02.

Re: New Application — 0037135 — Kamal Abuoun, Inc. d.b.a. Friendly Market, 4200 West 130th Street. (Ward 19). Received.

##### File No. 961-02.

Re: Transfer of Ownership Application — 6549670 — 14510, Inc. d.b.a. Kinsman Sunoci, 14510 Kinsman Avenue. (Ward 3). Received.

##### File No. 962-02.

Re: Transfer of Ownership Application — 5227940 — Lisa Dunlap, Inc. d.b.a. Dunlaps Country Corner, 3258 West 32nd Street, first floor and basement. (Ward 14). Received.

##### File No. 963-02.

Re: Transfer of Ownership Application — 6472751 — NU-Bar, Inc. d.b.a. Vanta's Lounge, 4497 Broadview Road, first floor and basement. (Ward 16). Received.

##### File No. 964-02.

Re: Transfer of Location Application — 52543660001 — Loew's Building LTD, 2037 East 14th Street. (Ward 13). Received.

##### File No. 965-02.

Re: Stock Transfer Application — 5185227 — Liberty Deli Mart, Inc. d.b.a. Liberty Deli Mart, 8806 Almirra Avenue, first floor. (Ward 18). Received.

##### File No. 966-02.

Re: Liquor Agency Contract — 34862480002 — Haddi Liquor & Beverage, Inc. d.b.a. Qasem Save More, 5816 Superior Avenue. (Ward 7). Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 967-02**—Leonard Riggins.

**Res. No. 968-02**—Judge Kenneth Stralka.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 969-02**—Rebuilding Together with Christmas in April\* Cleveland

**Res. No. 970-02**—Cleveland Central Catholic - Boys Varsity Basketball Team

**Res. No. 971-02**—Fran Heyer

**Res. No. 972-02**—Sgt. Richard T. Reese

**Res. No. 973-02**—Detective Frank Acierno

**Res. No. 974-02**—Detective Michael O'Malley

**Res. No. 975-02**—Booze, Allen & Hamilton, Inc.

**RESOLUTION OF RECOGNITION**

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

**Res. No. 976-02**—Harry B. Herforth.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 979-02.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into an amendment with American Airlines, Inc., Contract No. 31083, to provide for the deletion of certain space from the Lease, for the Division of Cleveland Hopkins International Airport, Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into an Amendment with American Airlines, Inc. ("Lessee"), Contract No. 31083, to delete from Lessee's right and obligation under the lease the following space, effective upon the effective date of this ordinance: approximately 2,468 square feet of space located on the southwest corner of the intersection of Concourse A and the Concourse A connector, formerly used as American's Admiral's Club.

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

**Section 2.** That the Amendment to the Lease herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 980-02.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, be enacting new Section 571.89 thereof, relating to the purchase of operational and structural maintenance, labor and materials for the Division of Cleveland Hopkins International Airport and Burke Lakefront Airport.**

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1978, are hereby supplemented by enacting new Section 571.89 thereof to read as follows:

**Section 571.89 Purchase of Operational and Structural Maintenance, Labor and Materials for the Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport**

The Director of Port Control is authorized to enter into one or more standard purchase or requirements contract duly let to the lowest and best bidder after competitive bidding for the purchase of labor and materials deemed by the Director to be necessary for installation, maintenance, repair, and replacement of plumbing, sewer, electrical, and HVAC systems; structural entities including without limitation flooring, roofing, fencing, elevators, escalators, moving walkways, windows, runways, and roads; security and safety equipment; landscaping; communications equipment; uniforms; oil and water separators; outfall sampling; automotive parts; and labor and materials deemed by the Director to be necessary for public safety training at Cleveland Hopkins International Airport and Burke Lakefront Airport. Any purchase made by standard purchase or requirement contract pursuant to this Section shall be made by the Commissioner of Purchases and Supplies, and paid from the annual appropriations made for such purchase.

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

shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 981-02.**

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

**An emergency ordinance authorizing the Director of Port Control to employ a professional consultant to provide shuttle services to employees at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into an amendment to City Contract No. 48042 with APCOA, Inc. to provide for the processing of payments to such consultant.**

Whereas, the City desires to hire professional consultants to provide shuttle services to employees of Cleveland Hopkins International Airport; and

Whereas, such services require a consultant with professional management abilities and customer service skills; and

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

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

**Section 1.** That the Director of Port Control is hereby authorized to employ by contract one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide shuttle bus services for employees at Cleveland Hopkins International Airport. The selection of said consultant for such services shall be made by the Board of Control upon the nomination of the Director or Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law and approved by the Director of Port Control.

**Section 2.** That the Director of Port Control is hereby authorized to enter into an amendment to City Contract No. 48042 with APCOA, Inc. for the purpose of processing payments to said consultant and including such payments in APCOA's calculation of direct operating expenses pursuant to City Contract No. 48042.

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

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

**Ord. No. 982-02.****By Councilmen Westbrook and Jackson (by departmental request).****An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 57869 for the replacement of Tug Road at Cleveland Hopkins International Airport, with Perk Company, Inc., for the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make the following alterations and modifications in Contract No. 57869 with Perk Company, Inc. for the replacement of Tug Road at Cleveland Hopkins International Airport, for the Department of Port Control:**ADDITIONS OUT OF SCOPE**

<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
CM-001	Removal of contaminated soils in sections B & C to sub-grade and the prevention of spreading contaminants by covering the excavated site with visqueen.	27,911.72
CM-002	Remove and replace severely deteriorated concrete slab (25' x 25' x 1' ) around electrical vault and the installation of a new casting and cover to replace existing cracked casting and cover.	4,100.00
CM-016	Removal of petroleum contaminated soils from Tug Road Section "A" to sub grade and disposal of contaminated soils at an OEPA approved dump. Prevention of spreading contaminants by covering excavation with visqueen.	27,088.28
CM-011	Construction of stock piles (earthen dams) to hold contaminated soils from Sections "B & C".	7,497.74
CM-012	Tarping for stockpiles.	4,931.51

**ADDITIONS WITHIN SCOPE**

<b>ITEM #</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
00003	Additional flagger hours as result of airport shutdown. 2 flaggers x 2 days x 24 hours per day = 96 hours.	2,400.00
00027	Work involving regulated water for an additional 400 Gallons removed from electrical vault.	4,605.62
	<b>ADDITIONS SUBTOTAL</b>	<b>78,534.87</b>

**REDUCTIONS WITHIN SCOPE**

00008	Credit for water for dust control not utilized	(1,000.00)
00009	Partial credit for pavement planing not fully utilized.	(1,350.00)
00014	Partial credit for 6" perforated pipe (drain-tile) and filter fabric wrap deleted from contract.	(4,605.62)
00017	Credit for temporary seeding not performed.	(118.75)
00019	Credit for temporary mulching not performed.	(95.00)
00024	Credit for petroleum contaminated soil (VAP) as non-performed.	(1,500.00)
00026	Work involving non-regulated water not performed.	(750.00)

**REDUCTIONS OUT OF SCOPE**

CM-14 Credit for 12 cubic yards of crushed aggregate base not used around the electrical vault. (410.00)

**REDUCTIONS SUBTOTAL** **9,829.37**

Total Subsidiary Additions	\$ 78,534.87
Total Subsidiary Reductions	- 9,829.37
<b>TOTAL SUBSIDIARY AMOUNT</b>	<b>68,705.50</b>
Original Contract Amount	\$ 476,471.60
Total Subsidiary Amount	+ 68,705.50
<b>TOTAL REVISED CONTRACT AMOUNT</b>	<b>\$ 545,177.10</b>

which alteration has been recommended in writing by the said Director of Port Control, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$68,705.50, payable from federal PFC authorization.

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

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

**Ord. No. 983-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

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

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

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

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

and Supplies until provision is made for the requirements for the entire term. The Director of Public Service shall have authority to enter into a contract or contracts with a term of two (2) years when there is a financial advantage to the City of entering into a contract or contracts with a term of two (2) years in lieu of entering into a contract or contracts with a term of one (1) year. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for a contract or contracts with a term of two (2) years and the bids received for a contract or contracts with a term of one (1) year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105817)

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

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

**Ord. No. 984-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with E.J. Ward, Inc. for spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than E.J. Ward, Inc. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract with E.J. Ward, Inc. for spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years. That the contract shall be prepared by the Director of Law and shall contain such terms and conditions as such Director deems necessary to protect and benefit the public interest.

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

purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105798)

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

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

**Ord. No. 985-02.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with A & H Equipment Co. for Leach packer parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than A & H Equipment Co. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract with A & H Equipment Co. for Leach packer parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105821)

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

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

**Ord. No. 986-02.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Sutphen Corporation for Sutphen fire apparatus parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Sutphen Corporation. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract with Sutphen Corporation for Sutphen fire apparatus parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105802)

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

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

**Ord. No. 987-02.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Finley Fire Equipment for Pierce fire apparatus parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Finley Fire Equipment. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract with Finley Fire Equipment for Pierce fire apparatus parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105801)

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

shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 988-02.**

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

**An emergency ordinance authorizing the Director of Public Service to enter into a requirement contract with Maltese Fire Equipment for Duplex cab and chassis fire apparatus parts and LTI and Grumman fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Maltese Fire Equipment. Therefore, the Director of Public Service is hereby authorized to make a written requirement contract with Maltese Fire Equipment for Duplex cab and chassis fire apparatus parts and LTI and Grumman fire apparatus parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL Nos. 105799 and 105800)

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

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

**Ord. No. 989-02.**

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

**An emergency ordinance authorizing the purchase by requirement contract of various air compressor parts, including labor for installation, if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of

Cleveland, Ohio, 1976, for the requirements for the term of one year or two years subject to the requirements of this ordinance for the necessary items of various air compressor parts, including labor for installation, if necessary in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service shall have authority to enter into a contract or contracts with a term of two (2) years when there is a financial advantage to the City of entering into a contract or contracts with a term of two (2) years in lieu of entering into a contract or contracts with a term of one (1) year. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for a contract or contracts with a term of two (2) years and the bids received for a contract or contracts with a term of one (1) year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105820)

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

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

**Ord. No. 990-02.**  
**By Councilmen Sweeney and Jackson (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years subject to the requirements of this ordinance for the necessary items of various Chrysler automobile, van and truck parts, including labor for installation, if necessary in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service shall have authority to enter into a contract or contracts with a term of two (2) years when there is a financial advantage to the City of entering into a contract or contracts with a term of two (2) years in lieu of entering into a contract or contracts with a term of one (1) year. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for a contract or contracts with a term of two (2) years and the bids received for a contract or contracts with a term of one (1) year.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 105818)

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

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

**Ord. No. 991-02.**  
**By Councilmen Britt and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Environmental Protection Agency for the Cleveland Integrated Air Toxic Pilot Project; authorizing said Director to enter into one or more contracts with various agencies to implement the project; and authorizing one or more contracts for the purchase of services, equipment and supplies for the project.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$500,000 from the United States Environmental Protection Agency, for the Cleveland Integrated Air Toxic Pilot Project, for the purposes set forth in the summary and budget and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the summary and budget for said project.

**Section 2.** That the summary and budget for said project, File No. 991-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Health is hereby authorized to enter into one or more contracts with various agencies for the implementation and operation of the project.

**Section 4.** That the Director of Public Health is hereby authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of services, equipment and supplies necessary for implementation and operation of the project, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

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

**Section 5.** That the cost of the above authorized contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

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



**Ord. No. 992-02.**  
**By Councilmen Britt and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2003 Federal Childhood Lead Poisoning Prevention Program; and to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-eligible children.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$312,000.00, and any other funds as they become available, from the Ohio Department of Health, to conduct the 2003 Federal Childhood Lead Poisoning Prevention Program, for the purposes set forth in the summary and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the summary for said grant.

**Section 2.** That the summary for said grant, File No. 992-02-A, made a part hereof as if fully rewritten herein, including the obligation to devote program income from first and third party billings, estimated at \$60,611.00, is hereby approved in all respects.

**Section 3.** That the Director of Public Health is hereby authorized to enter into contract with the State of Ohio, Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the grant term. The contract shall provide that the City will receive compensation for performing such assessments in the estimated amount of \$33,040.00, and such other funds that may become available during the grant period. The Director of Finance is hereby authorized to receive and accept such compensation on behalf of the City and the Director of Public Health is authorized to sign such documents as are necessary to enter into said contract.

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

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

**Ord. No. 993-02.**  
**By Councilmen Britt and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said Director to**

**enter into contracts for the purchase of service and equipment necessary to operate the Division of Environment.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to accept a grant in the approximate amount of \$2,484,106 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective summary; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be appropriated for the purposes set forth in the summary for said grant.

**Section 2.** That the summary for said grant, File No. 993-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$290,000, from the Division of Environment's General Fund budget, in order to receive the grant from the Ohio Environmental Protection Agency, as a pass through from the U.S. Environmental Protection Agency.

**Section 3.** That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment and services necessary to operate the Division of Environment in accordance with the purposes set forth in the above-referenced grant summary, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and the cash match authorized herein.

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

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

**Ord. No. 994-02.**  
**By Councilman Cintron.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3056 West 47th Street to Wanda L. Bolden.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 006-24-040, as more fully described below, to Wanda L. Bolden.

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

P. P. No. 006-24-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 446 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 48, as shown by the recorded plat in Volume 1 of Maps, Page 36 of Cuyahoga County Records and being 40 feet front on the Westerly side of West 47th Street (formerly Ash Street), and extending back of equal width 125 feet to the Easterly line of a 14 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 995-02.**  
**By Councilmen Gordon and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with various neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contracts with various CDBG-eligible agencies to implement the Cityworks Program.

**Section 2.** That the aggregate cost of said contracts shall be in an amount not to exceed \$250,000.00, and shall be paid from Fund Nos. 14 SC 028, Request No. 125707.

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

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

**Ord. No. 996-02.**  
**By Councilmen Gordon and Jackson**  
**(by departmental request).**

**An emergency ordinance appropriating Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs; and to enter into contract with various agencies to implement these programs.**

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 28 and 2002 Federal HOME grant funds, from the United States Government; and

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

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

**Section 1.** That the Community Development Block Grant funds from Fund No. 14 SF 028, and Federal Home Program funds from Fund 13 SC 955, Request 125708, in the amount of \$5,580,000 for other expenses are hereby appropriated for the operation of the Low Interest Loan and Grant Programs, including all related services. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, and Home Maintenance Assistance Program (HMAP).

**Section 2.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan

and Grant Programs in the City of Cleveland.

**Section 3.** That the Director of Community Development is authorized to accept monies in repayment under said programs and to utilize said repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are hereby appropriated for those purposes.

**Section 4.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 5.** That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

**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, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 997-02.**  
**By Councilmen Gordon and Jackson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

**Section 2.** Eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

**Section 3.** That the cost of said contracts shall be in an amount not to exceed \$10,268,000.00, and shall be paid from Federal HOME Grant Fund No. 13 SF 929 and 955 and Community Development Block Grant Fund No. 14 SC 023, 025, 026, 027 and 028, Request No. 125709.

**Section 4.** That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund

No. 14 and utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

**Section 5.** That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

**Section 6.** That the Director of Community Development is hereby authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14. The revenues generated as a result of charging fees are hereby appropriated for additional program and operating expenses for Housing Trust Fund activities.

**Section 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 998-02.**  
**By Councilman Jackson.**  
**An emergency ordinance to amend Sections 3107.19 and 3107.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1116-A-85, passed February 10, 1986 relating to electrical licenses.**

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

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

**Section 1.** That Sections 3107.19 and 3107.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1116-A-85 passed February 10, 1986 are hereby amended to read, respectively, as follows:

**Section 3107.19 Types and Limitations of Electrical Licenses**

Electrical licenses shall be of five types:

(a) *Type 1 Contractor's Electrical License - Residential.* A contractor's residential electrical license shall authorize the licensee to install, maintain, alter and repair all types and kinds of electrical wiring and equipment, for public hire or otherwise, and to supervise the doing of such work by others, in City residences and residential units.

(b) *Type 2 Limited Premises Electrical License, Class A Public and Special Hazard.* A limited premises electrical license, Class A, shall apply only to the specific premises specified on the license, which premises shall include buildings or other structures where safety of the public is directly involved, such as places of assembly accommodating 100 or more persons, theaters, office buildings, hospitals, schools, col-

leges, stores, and hotels; and premises on which there are special electrical hazards. The license shall authorize the licensee to install, maintain, alter and repair electrical wiring and/or equipment on the specified premises providing that all work is done by or under the direct supervision of the licensee.

(c) *Type 3 Limited Premises Electrical License, Class B. Private Hazard.* A limited premises electrical license, Class B, shall apply only to the specific premises specified on the license, which premises include only buildings and other structures where the safety of the public is not directly involved and for which a limited premises electrical license, Class A, is not required. The license shall authorize the licensee to install, maintain, alter and repair electrical wiring and/or equipment on the specified premises, provided that all such work is done by or under the direct supervision of the licensee.

(d) *Type 4 Elevator Contractor's Limited Electrical License.* An elevator contractor's limited electrical license shall authorize the licensee to install, maintain, alter and repair electrical installations for the operation and control of electrically operated elevators, dumbwaiters and moving stairways, and shall be limited to the electrical wiring for, and the installation of, motors, controls, signalling devices, intercommunication systems, and lighting directly in connection therewith. All work shall be done either by the licensee or under his direct supervision.

(e) *Type 5 Motion Picture Operator's License.* A motion picture operator's license shall authorize the licensee to operate any picture machine as defined in Section 693.01 of the Codified Ordinances.

**Section 3107.20 Prerequisites for Electrical Licenses.**

(a) *Contractor's Electrical License - Residential.* A certificate authorizing the issuance of a contractor's residential electrical license shall be granted only to persons who:

(1) Have had a minimum of 5 years' general experience in installing electrical wiring and equipment; or the equivalent thereof in training or education.

The applicant for a contractor's residential electrical license shall include in his application a statement of experience; specifying particular jobs with dates of same, length of time devoted to each job, and the name of the employer or other responsible person with direct knowledge of the character and quality of the work performed by the applicant, and of the character of the applicant. Such application shall also include a statement of the schooling and training of the applicant, and of apprenticeship served by the applicant, insofar as such is pertinent to the application.

(2) Satisfactorily complete an examination prepared by and given under the direction of the Board of Examiners of Electricians. Such satisfaction of such Board that the applicant has a working knowledge of the ordinances and codes governing the installation of electrical work in the City including electrical wiring and equipment for electrical elevators and amusement devices and including those which require specific safeguards because of the use or occupancy of the building, and possesses the theoretical and practical knowledge necessary

to make electrical installations in conformity therewith. Such examination shall include at least one question relative to each class of building where special provisions or limitations or ordinances or codes apply. Applicants shall not be required to have a detailed knowledge of all ordinance or code safety provisions for each class or building and special hazard, but shall be required to have a general knowledge of the hazards and the safety precautions required to guard against such hazards.

(b) *Limited Premises Electrical Licenses.* A certificate authorizing the issuance of a limited premises electrical license shall be granted only to persons who:

(1) Have had not less than 5 years' experience for Class A license, and not less than 2 years' experience for a Class B License, in installing, altering, maintaining, and repairing electrical wiring and equipment; or the equivalent thereof in training or education.

(2) Satisfactorily complete an examination prepared by and given under the direction of the Board of Examiners of Electricians. Such examination shall establish that the applicant has a reasonably complete working knowledge of ordinance and code provisions governing the installation of electrical wiring and equipment, is familiar with the provisions of such ordinances and codes which apply to the premises for which the limited premises electrical license is sought, and possesses theoretical and practical knowledge necessary to install and maintain electrical wiring and equipment in conformity therewith. Where there are one or more electrical elevators on the premises in question, such examination shall establish that the applicant is familiar with the electrical wiring and equipment of such elevators and is capable of performing electrical maintenance work in connection therewith.

(c) *Elevator Contractor's Limited Electrical License.* A certificate authorizing the issuance of an elevator contractor's limited electrical license shall be granted only to persons who:

(1) Have had not less than 5 years' experience in installing electrical wiring and equipment, not less than one year of which was devoted to installing electrical wiring and equipment for electrical elevators; or the equivalent in training or education.

(2) Satisfactorily complete an examination prepared by and given under the direction of the Board of Examiners of Electricians. Such examination shall establish that the applicant is familiar with the provisions of ordinances and codes governing the installation of electrical wiring equipment for electrical elevators, dumbwaiters and moving stairways, and possesses the theoretical and practical knowledge necessary to install such electrical wiring in conformity therewith.

(d) *Motion Picture Operator's License.* A certificate authorizing the issuance of a motion picture operator's license shall be issued to any person twenty-one years of age or over who:

(1) Has had not less than three years experience in motion picture operation.

(2) Has satisfactorily completed an examination prepared and given by the Board of Examiners of Electricians, which examination shall

establish to the satisfaction of the Board that the applicant possesses the qualifications and knowledge necessary to properly operate a picture machine.

**Section 2.** That existing Sections 3107.19 and 3107.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1116-A-85, passed February 10, 1986 are hereby repealed.

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

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

**Ord. No. 999-02.**

**By Councilman Johnson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cumberland Avenue, East 89th and East 93rd Streets to E. and L. Properties LLC.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-024 as more fully described below, to E. and L. Properties LLC.

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

P. P. No. 126-14-024

**Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 29 feet between parallel lines of Sublot No. 16 in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417, 424, and 425 as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and being 29 feet front on the Westerly side of East 93rd Street (formerly Oakdale Street) 192.08 feet deep on the Northerly line about 176.42 feet deep on the Southerly line and having a rear line of 32.02 feet along the North-easterly line of East 92nd Place, as appears by said plat, be the same more or less, but subject to all legal highways.

**Parcel No. 2**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 17 in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records, and forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 93rd Street (formerly Oakdale Street) 60 feet wide at the Southeast corner of said Sublot No. 17; thence Northerly along said Westerly line of East 93rd Street 5.00 feet; thence Westerly along a line parallel with the Southerly line of said Sublot No. 17, about 188.83 feet to the Southeast corner of East 92nd Place, 12 feet wide; thence Southwesterly, along said Southeast corner of East 92nd Place, about 6.01 feet to the Southwest corner of said Sublot No. 17; thence Easterly along the Southerly line of Sublot No. 17, 192.08 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 3.** That 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. 126-14-025 as more fully described below, to E. and L. Properties LLC.

**Section 4.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

**P. P. No. 126-14-025**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 15 feet of the Easterly 120 feet of Sublot No. 15 and the Southerly 11 feet of the Easterly 120 feet of Sublot No. 16 in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and together forming a parcel of land having frontage of 26 feet on the Westerly side of East 93rd Street, and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-026 as more fully described below to E. and L. Properties LLC.

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

**P. P. No. 126-14-026**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 15 and 16 in Reuben Yeakel's Allotment of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning at the Northwesterly corner of land conveyed by John Gedeon and wife to Vera Goldman

by deed dated September 12, 1916 and recorded in Volume 1856, Page 414 of Cuyahoga County Records; thence Westerly along the Westerly prolongation of the Northerly line of land so conveyed to Vera Goldman, about 55 feet 10 inches to the Easterly line of an alley; thence Southerly along the Easterly line of said alley to its point of intersection with the Westerly prolongation of the Southerly line of land so conveyed to Vera Goldman, as aforesaid; thence Easterly along the Westerly prolongation about 42 feet 4 inches to the Southwest corner of land so conveyed to Vera Goldman; thence Northerly along the Westerly line of land so conveyed to Vera Goldman, 26 feet to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-027 as more fully described below, to E. and L. Properties LLC.

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

**P. P. No. 126-14-027**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet of Sublot No. 15 and the Northerly 1 foot of Sublot No. 14 in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning at a point on the Westerly line of East 93rd Street, at the Northeast corner of a parcel of land conveyed to John and Katalin Hasznos, by deed recorded in Volume 2180, Page 251 of Cuyahoga County Records; thence Southerly 26 feet measured along said Westerly line of East 93rd Street; thence Westerly 148.23 feet and parallel with the Northerly line of land conveyed to John and Katalin Hasznos as aforesaid to the Southwest line thereof; thence Northwest 29.56 feet measured along said Southwest line to the Northwest corner of land conveyed to John and Katalin Hasznos as aforesaid; thence Easterly 162.30 feet measured along the Northerly line of land so conveyed to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-028 as more fully described, to E. and L. Properties LLC.

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

**P. P. No. 126-14-028**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 42 feet of Sublot No. 14 in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lots Nos. 417, 424, and 425, as shown by

the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and being 42 feet front on the Westerly side of East 93rd Street, (formerly Oakdale Street), and extending back 148.23 feet on the Northerly line, 125.50 feet on the Southerly line and along the Northerly line of a 12 foot alley and about 47.79 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-029 as more fully described below, to E. and L. Properties LLC.

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

**P. P. No. 126-14-029**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Reuben Yeakel's Subdivision of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and being 42 feet front on the Northerly side of Steinway Avenue, S.E., (formerly Oakfield Avenue), and extending back of equal width 138 feet 2 inches along the Westerly line of East 93rd Street (formerly Oak Street) to the Southerly line of a 12 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-030 as more fully described below, to E. and L. Properties LLC.

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

**P. P. No. 126-14-030**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 12 in Reuben Yeakel's Allotment of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Steinway Avenue, S.E., at the Southeast corner of Sublot No. 12; thence Westerly along the Northerly line of Steinway Avenue, S.E., 27 feet to the Northeast line of Buckeye Road, S.E., as widened by plat recorded in Volume 11 of Maps, Page 3 of Cuyahoga County Records; thence Northwest along said Northeast line of Buckeye Road, S.E., 21 feet 1/2 inches to the Westerly line of Sublot No. 12; thence Northerly along the Westerly line of Sublot No. 12, a distance of 127 feet 9 1/2 inches to the Southerly line of a 12 foot alley; thence Easterly along the Southerly line 30 feet to the Northeast corner of Sublot No. 12; thence Southerly along the Easterly line of said Sublot No. 12, 138 feet 2 inches in the place of the beginning, be the same more or less, but subject to all legal highways.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-032 as more fully described below, to E. and L. Properties LLC.

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

P. P. No. 126-14-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in Reuben Yeakel's Allotment of part of Original One Hundred Acre Lot Nos. 417, 424 and 425 in said City. Said Sublot No. 10 has frontage of 50 feet on the Northeasterly side of Buckeye Road, S.E., (formerly Woodland Avenue), and is 90 feet 7 1/2 inches deep on the Westerly line, 110 feet 1/2 inches deep on its Easterly line and 30 feet 7 1/2 inches wide in the rear, as appears by said plat said Allotment recorded in Volume 5 of Maps, Page 16 of Cuyahoga County Records, excepting therefrom a 10 foot strip used for widening of Buckeye Road, S.E., recorded in Volume 11 Page 3 of Cuyahoga County Records. Subject to zoning ordinance, if any.

**Section 17.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-14-042 as more fully described below, to E. and L. Properties LLC.

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

P. P. No. 126-14-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 157 and all of Sublot No. 158 in Hamilton and Wyman Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and a part of Sublot No. 1 in Reuben Yeakel's Allotment of part of Original One Hundred Acre Lot Nos. 417, 424 and 425, as shown by the recorded plat in Volume 5 of Maps, Page 16 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of Buckeye Road, S.E., (formerly Woodland Avenue), 80 feet wide, at its intersection with the Northerly line of said Sublot No. 1; thence Southeasterly along the Northeasterly line of Buckeye Road, S.E., about 84.16 feet to its intersection with the Southeasterly line of said Sublot No. 1; thence Northeasterly along the Southeasterly line of said Sublot No. 1, 55 feet 10 1/2 inches to the Southerly line of said Sublot No. 157; thence Easterly along the Southerly line of said Sublot No. 157, 6 1/2 inches to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 157, 21 feet 8 4/5 inches to a point which is distant 120 feet Southerly, measured along said Easterly line, from the Southerly line of Cumberland Avenue, S.E., (formerly Charles Street) thence Westerly and parallel with the Southerly line of Cumberland Avenue, S.E., 40 feet to its intersec-

tion with the Easterly line of said Sublot No. 158, thence Northerly along the Easterly line of said Sublot No. 158, 120 feet to the Southerly line of Cumberland Avenue, S.E.; thence Westerly along the Northerly line of Sublot No. 158, which is also the Southerly line of Cumberland Avenue, S.E., 40 feet to the Northwesterly corner of said Sublot No. 158; thence Southerly along the Westerly line of said Sublot No. 158, 141 feet 11 2/3 inches to the Northerly line of said

Sublot No. 1; thence Westerly along the Northerly line of said Sublot No. 1, 21.80 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

**Section 19.** 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. 126-14-100 as more fully described below, to E. and L. Properties LLC.

**Section 20.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being County Auditor Permanent Parcel No. 126-14-100, and known as being Sublot No. 147 in Hamilton and Wyman's Re-Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Southerly side of Cumberland Avenue, S.E., and extending back 134 feet 7 inches on the Easterly line, 140 feet 8-1/3 inches on the Westerly line and having a rear line of about 41 feet 7-1/4 inches along the Northerly line of a 12 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 21.** 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. 126-14-101 as more fully described below, to E. and L. Properties LLC.

**Section 22.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 148 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Southerly side of Cumberland Avenue, S.E., and extending back between parallel lines, 140.7 feet deep on the Easterly line, 140.77 feet deep on the Westerly line as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 23.** 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. 126-14-102 as more fully described below, to E. and L. Properties LLC.

**Section 24.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 149 in Wyman and Hamilton's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Southerly side of Cumberland Avenue, S.E., (formerly Charles Street) 140 feet 9-2/3 inches deep on the Easterly line, and 140 feet 11 inches deep on the Westerly line, and 40 feet wide in rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 25.** 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. 126-14-103 as more fully described below, to E. and L. Properties LLC.

**Section 26.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-103

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 150 in Wyman and Hamilton's Re-Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Southerly side of Cumberland Avenue, S.E., (formerly Charles Street), 140 feet 11 inches deep on the Easterly line, 141 feet - of an inch deep on the Westerly line and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 27.** 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. 126-14-105 as more fully described below, to E. and L. Properties LLC.

**Section 28.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 10 feet of the Northerly 120 feet of Sublot No. 151 and the Easterly 20 feet of the Northerly 120 feet of Sublot No. 152 in Hamilton and Wymans Re-Subdivision of part of Original One Hundred Acre Lot No. 416 as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 30 feet on the Southerly side of Cumberland Avenue, S.E., (formerly Charles Street) and extending back of equal width 120 feet deep, as appears by

said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 29.** 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. 126-14-106 as more fully described below, to E. and L. Properties LLC.

**Section 30.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 152 and 153 in Hamilton and Wyman's Subdivision of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, said parts of Sublot Nos. 152 and 153 are bounded and described as follows:

Beginning at a point in the Southerly line of Cumberland Avenue, S.E., 330.76 feet Westerly from the intersection of the Westerly line of East 93rd Street; thence Southerly parallel with Easterly line of said Sublot No. 152, 120 feet; thence Westerly parallel with the Southerly line of Cumberland Avenue, S.E., 29 feet; thence Northerly parallel with the Easterly line of said Sublot No. 152, 120 feet; thence Easterly along the Southerly line of Cumberland Avenue, S.E., 29 feet to the place of the beginning, be the same more or less, but subject to all legal highways.

**Section 31.** 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. 126-14-108 as more fully described below, to E. and L. Properties LLC.

**Section 32.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 26.66 feet of Northerly 115 feet to Sublot No. 154 in the Hamilton and Wyman's Re-Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being 26.66 feet front on the Southerly side of Cumberland Avenue, S.E., and extending back of equal width 115 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 33.** 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. 126-14-109 as more fully described below, to E. and L. Properties LLC.

**Section 34.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-109

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Sublot Nos. 154 and 155 in Wyman and Hamilton's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Cumberland Avenue, S.E., at a point distant Easterly 67.79 feet from the Northwesterly corner of Sublot No. 156 in said Wyman and Hamilton's Allotment, thence Easterly along the Southerly line of Cumberland Avenue, S.E., 25.55 feet to a point distant Easterly 13.34 feet from the Northwesterly corner of said Sublot No. 154, thence Southerly parallel with the Westerly line of said Sublot No. 154, 141.46 feet to the Southerly line of said Sublot No. 154, thence Westerly along the Southerly line of said Sublot Nos. 154 and 155, 25.55 feet to a point distant Easterly 67.79 feet from the Southwesterly corner of said Sublot No. 156 in said Wyman and Hamilton's Allotment, thence Northerly parallel with the Westerly line of Sublot No. 156, 141.54 feet to the place of beginning, according to the survey of Charles W. Root, Civil Engineer, dated May 4, 1929, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 35.** 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. 126-14-110 as more fully described below, to E. and L. Properties LLC.

**Section 36.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 155 and 156 in Wyman and Hamilton's Allotment of part of Original One Hundred Acre Lot No. 416 as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Northerly line of Cumberland Avenue, S.E., at a point distant Easterly 32.22 feet from the Northwesterly corner of said Sublot No. 156; thence Easterly along the Southerly line of Cumberland Avenue, S.E., 35.57 feet; thence Southerly parallel with the Westerly line of Sublot No. 155; 141.54 feet to the Southerly line of said Sublot No. 155; thence Westerly along the Southerly line of said Sublot Nos. 155 and 156, 35.57 feet to a point distant Easterly 32.22 feet from the Southwesterly corner of said Sublot No. 156; thence Northerly parallel with the Westerly line of said Sublot No. 156, 141.64 feet to the beginning, be the same more or less, but subject to all legal highways.

**Section 37.** 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. 126-14-111 as more fully described below, to E. and L. Properties LLC.

**Section 38.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 156 in Wyman and Hamilton's Allotment of part of Original One Hundred Acre Lot No. 416, recorded in Volume 5 of Maps, Page 22 of Cuyahoga County Records, bounded and described as follows:

Beginning at the Northwesterly corner of said Sublot No. 156; thence Easterly along the Southerly line of Cumberland Avenue, S.E., 32.22 feet; thence Southerly parallel with the Westerly line of said Sublot, 141.64 feet to the Southerly line of said Sublot; thence Westerly along the Southerly line of said Sublot, 32.22 feet to the Southwesterly corner thereof; thence Northerly along the Westerly line of said Sublot, 141.73 feet to the beginning, according to the survey of Charles W. Root, Civil Engineer, be the same more or less, but subject to all legal highways.

**Section 39.** 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. 126-14-112 as more fully described below, to E. and L. Properties LLC.

**Section 40.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-112

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the North part of Sublot No. 157 in Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records, being a parcel of land 40 feet front on the Southerly side of Cumberland Avenue, S.E., (formerly Cumberland Street) and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 41.** 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. 126-14-113 as more fully described below, to E. and L. Properties LLC.

**Section 42.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 126-14-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 158 in the Hamilton and Wyman's Allotment of part of Original One Hundred Acre Lot No. 416 as shown by the recorded plat in Volume 5 of Maps, Page 22 of Cuyahoga County Records and being a parcel of land 40 feet front on the Southerly side of Cumberland Avenue, S.E., (formerly Cumberland Street) and extending back of equal width 141.85 feet deep on the Easterly line, 141.97 feet deep on the Westerly line, and being 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 43.** 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 docu-

ments 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 44.** 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 45.** 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 46.** 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. 1000-02.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Lockyear Avenue to Frank Hughes and Rosemary Hughes.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 105-33-150, as more fully described below, to Frank Hughes and Rosemary Hughes.

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

P. P. No. 105-33-150

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 in W.J. Crawford's Subdivision of part of Original One Hundred Acre Lot No. 345, as shown by the record-

ed plat in Volume 21 of Maps, Page 29 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lockyear Avenue, N.E., and extending back of equal width 70 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 1001-02.**

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

**An emergency ordinance Authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Medici Properties LLC to provide for a ten year sixty percent abatement for certain tangible personal property improvements as an incentive to acquire property and to construct improvements and renovations at the property located at 6419-6421 Detroit Avenue, located in the Cleveland Area Enterprise Zone.**

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

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

Whereas, Medici Properties LLC (the "Enterprise") has proposed to acquire property and to construct improvements and renovations at the property located at 6419-6421 Detroit Avenue, located in the Cleveland Area Enterprise Zone; and

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

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

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten year sixty percent (60%) abatement for certain tangible personal property improvements as an incentive to acquire property and to construct improvements and renovations at the property located at 6419-6421 Detroit Avenue, located in the Cleveland Area Enterprise Zone; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Summary contained in File No. 1001-02-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

**Ord. No. 1002-02.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Lelolai Bakery & Café, Ltd. to provide economic development assistance to partially finance expansion of their signature product into wholesale distribution, and all other associated costs necessary, located at 1889 West 25th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Lelolai Bakery & Café, Ltd. to provide economic development assistance to partially finance expansion of their signature product into wholesale distribution, and all other associated costs necessary, located at 1889 West 25th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Summary contained in File No. 1002-02-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Fifty Thousand Dollars (\$150,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103561.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and such fees are hereby appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

from and after the earliest period allowed by law.

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

**Ord. No. 1003-02.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Ohio City Near West Development Corporation to provide economic development assistance to partially finance the renovation of the Fries & Schuele Building, and all other associated costs necessary to redevelop the property, located at 1948 West 25th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Ohio City Near West Development Corporation to provide economic development assistance to partially finance the renovation of the first floor commercial space of the Fries & Schuele Building, and all other associated costs necessary to redevelop the property, located at 1948 West 25th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Summary contained in File No. 1003-02-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Thousand Dollars (\$100,000), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103565.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and such fees are hereby appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

**Section 8.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

**Ord. No. 1004-02.**

**By Councilman Lewis.**  
**An emergency ordinance to amend Section 451.251 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 520-86, passed January 26, 1987 relating to abandonment of motor vehicles.**

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 451.251 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 520-86, passed January 26, 1987 is hereby amended to read as follows:

**Section 451.251 Prohibition Against Abandonment of Junk Motor Vehicle**

(a) No person shall willfully leave an abandoned junk motor vehicle as defined in RC 4513.63 on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer without notification to the chief of police of the reasons for leaving the motor vehicle in such place.

For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.

(b) **No private property owner shall allow a vehicle abandoned on his or her private property to be moved or placed into a public street or right-of-way.**

(c) Notwithstanding Sections 403.99 and 459.02, whoever violates this Section shall be fined not less than three hundred dollars no portion of such fine to be suspended, and shall also be assessed any costs incurred by the city in removing and disposing of such abandoned junk motor vehicle, less any money accruing to the city from such disposal.

**Section 2.** That existing Section 451.251 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 520-86, passed January 26, 1987 is hereby repealed.

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

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



**FIRST READING  
ORDINANCE REFERRED**

**Ord. No. 1005-02.**  
**By Councilman Sweeney.**  
**An ordinance to change the zoning height district of properties west of Grayton Road and south of Interstate 480. (Map Change No. 2049 Sheet No. 13)**

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

**Section 1.** That the Height District of lands bounded and described as follows:

Beginning in the centerline of Grayton Rd., S.W. (width varies) at its intersection with the Southerly Limited Access line of Interstate Route 480; thence Northwest and West along said Limited Access Line to the Easterly line of lands owned by the Board of Park Commissioners of the Cleveland Metropolitan Park District; thence Southerly & Southeasterly along said Easterly line, to its intersection with the former Northerly line of Riveredge Township; thence South 65° 15' 09" East along the Southerly line of Auditor's Permanent Parcel No. 029 38 004, a distance of 326.51 feet to an angle point therein; thence North 83° 23' 35" East along said parcel line, 290.42 feet; thence South 01° 12' 57" West, 160.84 feet; thence South 89° 58' 57" East, 104.01 feet; thence South 67° 33' 15" East, 169.80 feet; thence North 89° 07' 30" East, 651.66 feet to the centerline of Grayton Rd., S.W.; thence North 23° 05' 40" East, 9.83 feet to the place of beginning; and as outlined in red on the map hereto attached, be and the same is hereby changed to a "2" Height District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2049, Sheet No. 13, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

**Ord. No. 977-02.**  
**By Councilmen White and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with Court Community Service for professional services necessary to place persons the Court refers to the Court Community Service Cleveland Work Crew Program for the Cleveland Municipal Court, for a period of one year, with a one year option to renew.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland

Municipal Court, is hereby authorized to enter into contract with Court Community Service for professional services necessary to arrange community service for persons the Court refers to the Court Community Service Cleveland Work Crew Program, for a period of one year, commencing January 1, 2002, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable upon thirty days written notice by said Director, on the basis of its proposal dated September 7, 2001, in the sum of \$106,160, payable from Fund No. 01-011501-632000, Request No. 101175, for the Cleveland Municipal Court.

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

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

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

**Ord. No. 978-02.**  
**By Councilmen Coats and Jackson (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 1232-01, passed August 15, 2001, relating to professional services to provide engineering, environmental, safety, forensic, and other services needed for the various divisions of the Department of Public Utilities.**

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

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

**Section 1.** That Section 2 of Ordinance No. 1232-01, passed August 15, 2001, is hereby amended to read as follows:

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001 and 58 SF 001, Request No. 33886.

**Section 2.** That existing Section 2 of Ordinance No. 1232-01, passed August 15, 2001, is hereby repealed.

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

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

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

**Ord. No. 1006-02.**  
**By Councilman Brady.**

**An emergency ordinance to amend Section 1 of Ordinance No. 1747-2001, passed March 11, 2002 relating to the public improvement of installing flooring at Halloran Park.**

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. 1747-2001, passed March 11, 2002, are hereby amended to read as follows:

**Section 1.** The public improvements authorized in all of the sections herein shall include improvements to the following City-owned parks and recreation facilities total expenditures not to exceed the amount authorized herein:

Halloran Park for flooring	<b>\$43,700.00</b>
Cudell Recreation Center for wiring	12,000.00
Cudell Recreation for locker Rooms	6,000.00
Clark Recreation Center for interior Windows	10,000.00
Clark Recreation Center for gutters	10,000.00
Rockefeller Park Phase VI	268,000.00
Rockefeller Park Greenhouse	175,000.00
Parks in the 11 Odd Wards	2,750,000.00
Kovacic, Glenville, Sterling, Central, Cory, Lonnie Burten, Clark and Zone Recreation Centers for pool Steps	12,000.00
Thurgood Marshall Recreation Center and Sterling Recreation Center for new Lockers	50,000.00
Lonnie Burten Recreation Center for Lobby furniture	15,000.00
Hough Multipurpose Center for replacement of 2 HVAC Units	78,000.00
Gunning Park Recreation Center Phase II Improvements	118,000.00

**Section 2.** That Section 1 of Ordinance No. 1747-2001, passed March 11, 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1007-02.**  
**By Councilman Britt.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Easter Seal Run on June 29, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this

Council consents to and approves the holding of the Hermes Easter Seal Run, sponsored by Hermes Sports and Events, on June 29, 2002, beginning at East Boulevard and Bellflower, East Boulevard to Euclid, Euclid to Chester, Chester to Martin Luther King Drive, Martin Luther King Drive to Superior Ramp, Superior Ramp to Superior, Superior to East Boulevard, East Boulevard to East 108th, East 108th to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1008-02.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Race For The Cure Event on September 28, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Race For The Cure, sponsored by Hermes Sports and Events, on September 28, 2002, beginning at Erieside and East 9th, Erieside to West 3rd, West 3rd to St. Clair, St. Clair to West 9th, West 9th to Huron, Huron to Prospect, Prospect to East 13th, East 13th to Lakeside, Lakeside to East 9th, East 9th, to Voinovich Park, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

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

**Ord. No. 1009-02.**

**By Councilman Britt.**

**An emergency ordinance consenting and approving the issuance of a permit for the V. A. Medical Center Wheelchair Games Event on July 13, 2002, sponsored by V.A. Medical Center.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the V. A. Medical Center Wheelchair Games Event, sponsored by V. A. Medical Center, on July 13, 2002, beginning at Martin Luther King Drive and East 105th, Martin Luther King Drive to East 88th, turn around, return, Martin Luther King Drive to East 105th, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1010-02.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Historic Gateway Neighborhood Corporation for the Downtown Neighborhood Arts and Cultural Festival through the use of Ward 13 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Historic Gateway Neighborhood Corporation over a two-year period for the Downtown Neighborhood Arts and Cultural Festival, for the public purpose of providing cultural art and music education to Cleveland residents through the use of Ward 13 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$26,500 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Ord. No. 1011-02.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes American Memorial (5K Run/Walk) on May 25, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes American Memorial (5K Run/Walk), sponsored by Hermes Sports and Events, on May 25, 2002, beginning at Lakeside and East 13th, Lakeside to East 9th, East 9th to N. Marginal, N. Marginal to East 26th, turn around, N. Marginal to East 9th, East 9th to Lakeside, Lakeside to East 13th, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1012-02.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Corporate Challenge (Cycling) Event on July 29, 2002, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Corporate Challenge (Cycling), sponsored by Hermes Sports and Events, on July 29, 2002, beginning at N. Marginal and Muny Parking Lot, N. Marginal to East 55th, turn around and return, same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1013-02.**

**By Councilman Jackson**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a grant agreement with McKnight and Associates for surveying, design and planning of park improvements for Barkwill Park in order to carry out the public purpose of providing recreational facilities to the residents of Cleveland through the use of Ward 5 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized to enter into a grant agreement with McKnight and Associates for surveying, design and planning of park improvements for Barkwill Park in order to carry out

the public purpose of providing recreational facilities to the residents of Cleveland through the use of Ward 5 Neighborhood Equity Funds and the sale of 2002 G.O. bonds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$19,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Ord. No. 1014-02.**

**By Councilman Jackson.**

**An emergency ordinance authorizing Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract without competitive bidding with Oracle Corporation for the acquisition of multi-server licenses, upgrades and technical support for the Cleveland Integrated Justice Information System, for a period of one year, with a one-year option to renew, with respect to the technical support services.**

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

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

**Section 1.** That it is hereby determined that the within commodities and services are non-competitive and cannot be secured from any source other than Oracle Corporation. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to make a written contract with Oracle Corporation for the acquisition of multi-server licenses, upgrades and technical support for the Cleveland Integrated Justice Information. The contract shall be for a one year term commencing February 23, 2002, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term with respect to the technical support services, and cancellable upon thirty days written notice by said Director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance, on behalf of the Cleveland Municipal Court.

**Section 2.** That the costs for such commodities and services herein contemplated shall be paid from Fund No. 01-011503-641400, Request No. 101189.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1015-02.**

**By Councilman Jackson.**

**An emergency ordinance to amend the title, the third whereas clause, Section 1 and Section 11 of Ordinance No. 1913-01, passed April 29, 2002, relating to the expenditure of Economic Development Initiative Grant funds for various expenditures relating to the Homeownership Zone Project and to enter into contracts with Burten, Bell Carr Development, Inc.**

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

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

**Section 1.** That the title, the third whereas clause, Section 1 and Section 11 of Ordinance No. 1913-01, passed April 29, 2002, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Community Development to expend Economic Development Initiative Grant funds for acquisition, architectural and engineering costs, second mortgage assistance, infrastructure for the Homeownership Zone Project and any eligible uses set forth in 24 CFR 570.703 and approval by HUD; and to enter into all contracts and related documents with Burten, Bell Carr Development, Inc., or its designee, for the acquisition, architectural and engineering, second mortgage assistance and any eligible uses set forth in 24 CFR 570.703 and approved by HUD for the Homeownership Zone; and determining the methods of, and authorizing the Directors of Community Development, Public Service, Public Utilities and other City officials, as appropriate, to enter into contracts for the construction of public improvements, amenities and related matters; and authorizing and approving related matters.

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into and execute all contracts and all necessary documents for and on behalf of the City of Cleveland with Burten, Bell Carr Development, Inc., or its designee, (hereinafter "Developer") to provide funds for one or more of the eligible activities set forth in 24 CFR

**570.703 including architectural and engineering costs,** acquisition of real property, housing rehabilitation and second mortgage assistance to homebuyers in the Homeownership Zone after receiving approval from HUD of the activity.

Section 11. That the cost of all contracts authorized by this ordinance shall be paid from Fund Nos. 13 SF 886 and 54 SF 001.

Section 2. That the existing title, the third whereas clause, Section 1 and Section 11 of Ordinance No. 1913-01, passed April 29, 2002, are hereby repealed.

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

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

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

**Ord. No. 1016-02.**

**By Councilman Rybka.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with William A. Spetrino, Inc. for professional services for the design and construction inspection of the Morganic Garden expansion project in Ward 12.**

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

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

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into a professional services contract with William A. Spetrino, Inc. for the design and construction inspection of the Morganic Garden expansion project at East 65th Street and Kenyon in Ward 12.

Section 2. That the cost of such services herein authorized shall not exceed Seven Thousand Five Hundred Fifty Dollars (\$7550.00) and shall be paid from Fund 20 SF 370.

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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1017-02.**

**By Councilman Westbrook.**

**An emergency ordinance determining the method of making the public landscaping improvements to the Clark Commons, and authorizing the Director of Parks, Properties, and Recreation to enter into contract for the making of such improvement.**

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make public right-of-way improvements at the Clark Commons located at West 88th Street and Clark Avenue in Ward 18 of the City of Cleveland for the Department of Parks, Properties, and Recreation, by contract duly let to the lowest responsible bidder after competitive bidding for the improvement.

Section 2. That the Director of Parks, Properties, and Recreation is authorized to enter into a contract for the making of the above improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract (UPON A UNIT BASIS).

Section 3. That the Director of Parks, Properties, and Recreation is also authorized to enter into a professional services contract with McKnight and Associates for the purpose of providing professional services to develop a landscape improvement plan for the Clark Commons.

Section 4. That the cost of said contract shall be in an amount not to exceed \$27,562 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

**Res. No. 1018-02.**

**By Councilmen Cimperman, Zone, O'Malley and Jones.**

**An emergency resolution urging the state legislature to reenact Ohio Revised Code Section 4582.07 requiring port authorities to publish development plans and to hold public hearings on those plans and stating Council's intention to hold hearings on the development and operation of the port.**

Whereas, the Cleveland-Cuyahoga County Port Authority was established to create and retain jobs in Northeast Ohio and has turned the industrial lakefront into a job producing asset and has done so admirably since 1968; and

Whereas, the voters passed a renewal levy for the Cleveland-Cuyahoga County Port Authority on the May 7, 2002; and

Whereas, according to credible independent research, the Port of Cleveland, which includes the Cleveland-Cuyahoga County Port Authority, is crucial to 10,000 maritime and related jobs in the area, \$350 million in annual family income, \$200 million in tax income for schools and communities, and 17,000 jobs in trade zones; and

Whereas, Ohio Revised Code Section 4582.07, enacted in 1955, required the board of directors of a port authority to prepare or cause to be prepared a plan for the future development, construction and improvement of the port and its facilities setting forth the location and character of the work to be undertaken by the port authority, and the board was required to publish information about the proposed plan in local newspapers and then hold a public hearing on the plan in which comments from the public were solicited; and

Whereas, in April, 2001, the state legislature repealed ORC Section 4582.07, eliminating the requirement for port authorities to publish development and construction plans and eliminating the requirement that public hearings be held to permit comments on those plans; and

Whereas, while this Council of the City of Cleveland is supportive of the mission and objectives of Cleveland-Cuyahoga County Port Authority, this Council strongly advocates that development, planning and proposed improvements for the Port must be done openly and with input from the public; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public safety, welfare and health; now therefore,

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

Section 1. That the Council of the City of Cleveland is supportive of the mission and objectives of Cleveland-Cuyahoga County Port Authority and strongly advocates that any plans for the development and improvement of the Port must be done openly and with input from the public, and therefore urges the state legislature to reenact Ohio Revised Code Section 4582.07 that was repealed in April, 2001.

Section 2. That this Council intends to hold hearings over the summer months to discuss and review the development and operations of the Port Authority and its impact on the City of Cleveland.

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

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

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

**Res. No. 1019-02.****By Councilman Jackson.****An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.**

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 schedule of meetings during the summer months for the Council of the City of Cleveland is hereby fixed as follows:

July 17, 2002  
August 14, 2002

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk of Council prior to each of the above meeting dates. The Council will resume regular session at 7:00 P.M. on Monday, September 9, 2002.

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

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

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

**Res. No. 1020-02.****By Councilman Polensek.****An emergency resolution opposing loans made by the State of Ohio and the Cuyahoga County Commissioners and the lease made by the Cleveland Cuyahoga County Port Authority to assist TRW in relocating and equipping 30 employees to work in Warrensville Heights as opposed to Cleveland.**

Whereas, it was recently reported that the State of Ohio and the Cuyahoga County Commissioners have issued low interest loans to TRW in order to relocate 30 employees to Warrensville Heights and to purchase equipment for use by those employees; and

Whereas, in addition to those loans totaling \$791,000, the Cleveland-Cuyahoga County Port Authority will lease equipment to TRW for use at the Warrensville Heights site; and

Whereas, TRW was once a vital and integral part of the Collinwood neighborhood until its management chose to relocate from the City of Cleveland leaving many of its workers without employment; and

Whereas, the State of Ohio, the Cleveland-Cuyahoga County Port Authority and the Cuyahoga County Commissioners should refrain from actions, such as making loans and leases, that encourage businesses such as TRW from relocating from the City of Cleveland; and

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

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

**Section 1.** That the Council of the

City of Cleveland expresses its opposition to loans made by the State of Ohio and the Cuyahoga County Commissioners and the lease made by the Cleveland Cuyahoga County Port Authority to assist TRW in relocating and equipping 30 employees to work Warrensville Heights as opposed to Cleveland.

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

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

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

**Res. No. 1021-02.****By Councilmen Westbrook, Zone, Jones, O'Malley, Cintron, and Dolan.****An emergency resolution urging the Administration to reestablish the Fourth of July fireworks display at Edgewater Park.**

Whereas, Clevelanders welcome the opportunity to celebrate the Fourth of July holiday by barbecuing, swimming and watching fireworks with family and friends; and

Whereas, traditionally the fireworks display for Cleveland had been held at Edgewater Park; and

Whereas, for the past two years the fireworks display was held at a location other than Edgewater Park, and that decision proved to have a negative impact on the number of Clevelanders that were able to enjoy the display; and

Whereas, this Council of the City of Cleveland urges the Administration to reestablish the Fourth of July fireworks display at Edgewater Park so that Cleveland residents can return to their decades old family tradition of starting their day with grilling breakfast outdoors and ending it with marshmallow toasting while watching fireworks over Lake Erie; and

Whereas, this Council encourages Clevelanders to join with family and friends to enjoy a safe and professional fireworks display at Edgewater Park as opposed to igniting fireworks at home since such displays have potentially dangerous and injurious consequences; and

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

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

**Section 1.** That this Council of the City of Cleveland urges the Administration to reestablish the Fourth of July fireworks display at Edgewater Park.

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

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

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

**SECOND READING  
EMERGENCY ORDINANCES****Ord. No. 1869-01.**

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Newton Avenue to Jerry L. Maddox.

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

**Ord. No. 2168-01.**

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1882 and 1876 East 71st Street to Wilma Braxton McMullan.

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

**Ord. No. 135-02.**

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 55th and Linwood Avenue to The Eleanor B. Rainey Memorial Institute, Inc.

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

**Ord. No. 284-02.**

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 69th Street to Lynette Stover.

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

**Ord. No. 285-02.**

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 71st Street to Renaud Simmons.

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

**Ord. No. 279-02.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001; to supplement said ordinance by adding new Sections 2 and 3; and to renumber existing Sections 2, 3, 4 and 5 to new Sections 4, 5, 6 and 7, relating to mitigation construction on Doan Brook for the Department of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 1, at amended Section 1, lines 7 and 8, strike "Five Million dollars (\$5,000,000) and insert in lieu thereof **"Five Million Five Hundred Thousand Dollars (\$5,500,000)"**.

2. In Section 3, at amended Section 2, at the end, add the following new sentence: **"That the design for the project to be implemented shall be reviewed by the Design Review Committee and the City Planning Commission."**

Amendments agreed to.

**Ord. No. 358-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.

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

1. In Section 2, line 2, strike "\$26,250" and insert in lieu thereof **"\$35,000"**.

Amendment agreed to.

**Ord. No. 405-02.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with World Wide Flight Services for operation of a cargo facility at Cleveland Hopkins International Airport.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 1, strike lines 8, 9, 10 and 11 in their entirety and insert in lieu thereof **"cargo facility, for a term of five (5) years with one five-year option which may be requested by World Wide Flight Services upon ninety (90) days written notice to the Director of Port Control prior to the expiration of the initial term. Any such request shall be approved or rejected by the Director of Port Control. The rent for the first year"**; and in lines 15 and 16, strike "as determined by mutual agreement of the parties".

Amendment agreed to.

**Ord. No. 473-02.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 58113 for site improvements to the Miles Standish Elementary School with R.J. Platten Contracting Co. for the Department of Parks, Recreation and Properties.

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

1. In Section 1, the last line, after "20 SF 361" insert **"20 SF 370"**.

Amendment agreed to.

**Ord. No. 538-02.**

By Councilmen Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract with the Greater Cleveland Roundtable for diversity management training for field training officers and recruits, for the Division of Police, Department of Public Safety.

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

**Ord. No. 598-02.**

By Councilmen Rybka, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 58916 with Slavic Village Development to provide additional community development services in the agency's service area.

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

1. In Section 1, line 4, strike "are desired".

Amendment agreed to.

**Ord. No. 638-02.**

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

An emergency ordinance authorizing the Director of Economic Development to lease property at 3634 Euclid Avenue from MidTown Associates, LLC for a term not to exceed three years, for the public purpose of enabling the City Empowerment Zone staff to better serve the residents of the Zone by providing easier access to staff and programming; authorizing the purchase by contract of furniture, articles, telecommunications equipment, signage, moving expenses and other necessary equipment.

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

**Ord. No. 679-02.**

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide services necessary to perform a boundary survey for all land leased to the Ohio Department of Natural Resources from the City of Cleveland for Cleveland Lakefront State Park sites.

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

**Ord. No. 729-02.**

By Councilmen Johnson and Jackson (by departmental request).

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

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Parks, Properties and Recreation, Finance.

**Ord. No. 732-02.**

By Councilman Jackson.

An emergency ordinance to vacate a portion of Chadakoin Court S.E., East 57th Street, Tivoli Court S.E., and East 59th Place hereinafter described.

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

**Ord. No. 762-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.

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

**Ord. No. 763-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of emulsion and purging solution, and labor and materials necessary to maintain emulsion equipment, for the Division of Streets, Department of Public Service.

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

**Ord. No. 764-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of gutter broom sets and tube and gutter brooms, for the Division of Streets, Department of Public Service.

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

**Ord. No. 765-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.

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

**Ord. No. 766-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of SSI tack coat, for the Division of Streets, Department of Public Service.

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

**Ord. No. 767-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of guard rail elements, posts, end wings, and hardware, for the Division of Streets, Department of Public Service.

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

**Ord. No. 771-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of small equipment, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year with a one-year option to renew.

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

**Ord. No. 774-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 361-02, passed April 1, 2002, relating to a contract with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

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

**Ord. No. 830-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one office mailer-folder-inserter, including maintenance for a period not to exceed one year, for the Division of Assessments and Licenses, Department of Finance.

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

**Ord. No. 833-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Service facilities; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

**Ord. No. 834-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Finance facilities; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

**Ord. No. 835-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland City Hall; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

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

**Ord. No. 836-02.**

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

An emergency ordinance to amend the title, Sections 1, 2, 5, 6, 7, and 10 of Ordinance No. 406-02, passed April 15, 2002, relating to the improvement of West 25th Street between Brooklyn-Brighton Bridge and Detroit Avenue.

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

**Ord. No. 898-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with American Express to provide accounts payable recovery service.

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

1. Insert a new "Section 4" to read as follows:

**"Section 4. That, upon conclusion of the accounts payable recovery services authorized herein, the Director of Finance shall provide the Chairman of the Finance Committee with a report summarizing the overpayments recovered pursuant to the contract with American Express."**

2. Rename existing "Section 4" to new "Section 5".

Amendments agreed to.

**Ord. No. 905-02.**

By Councilman Sweeney.

An emergency ordinance to vacate a portion of Industrial Parkway S.W. hereinafter described.

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

**Ord. No. 906-02.**

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

An emergency ordinance to amend the title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended, relating to the rehabilitation of Memphis Avenue from Ridge Road to Pearl Road; and to supplement said ordinance by adding new Sections 9a, 9b, 9c, 9d and 9e thereof.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance; when amended as follows:

1. In Section 3, at the end, add the following:

**"9f. That the Director of Public Service is hereby authorized to make Relocation Assistance Program payments to eligible claimants in the amounts to which they are entitled pursuant to the Rules and Regulations established by the Director of the Ohio Department of Transportation."**

Amendment agreed to.

**Ord. No. 907-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into contract without competitive bidding with The McLean Company for the purchase of one cab and chassis unit with oil distributor body, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

**Ord. No. 914-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance to amend the title, Section 7 of Ordinance No. 294-98, passed April 6, 1998, relating to the repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue to the County of Cuyahoga; and to supplement said ordinance by adding new Section 9a thereto.

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

**Ord. No. 920-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ surveyors or firms of surveyors, to provide professional surveying services on various capital projects for a period not to exceed one year.

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

**Ord. No. 921-02.**

By Councilmen Sweeney and Jackson (by departmental request).

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

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

**Ord. No. 922-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to Cleveland Metroparks for the Scenic Byways trail and overlook construction project.

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

**SECOND READING  
EMERGENCY RESOLUTION**

**Res. No. 546-02.**

By Councilman Dolan (by request).

An emergency resolution declaring the intention to vacate portions of Fernshaw Avenue and Riveredge Road.

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

**SECOND READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 737-01.**

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

An emergency ordinance to amend Section 343.11 and 347.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Section 225.07, as amended by Ordinance No. 653-92, relating to tattooing and body piercing.

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

1. In the title, line 2, strike "Section" insert "Sections 347.07".

2. In Section 1, after line 4 and in Section 2, after line 6, insert: "Section 347.07, as amended by Ordinance No. 876-97, passed June 16, 1997".

3. In Section 1, after the text of amended Section 343.11, insert the following new Section:

**"Section 347.07 Adult Entertainment"**

(a) **Purpose.** Based upon evidence and findings of negative secondary effects of adult entertainment uses presented in hearings before the Council and in studies from other communities, including the cities of Indianapolis and New York, the Council finds that adult entertainment uses in Cleveland cause negative secondary effects and has created this section to regulate adult entertainment uses to promote the health, safety, morals, and general welfare of the citizens of Cleveland by establishing reasonable and uniform regulations to prevent concentration of adult entertainment uses and location near specified other uses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult entertainment materials. Similarly, it is not the intent or effect of this section to restrict or deny access by adults to adult entertainment materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Additionally, it is not the intent or effect of this section to condone or legitimize the distribution of obscene material.

(b) **Definitions.** As used in this Zoning Code:

(1) "Specified sexual activities" means any of the following:

A. the fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breast;

B. sex acts, actual or simulated, including masturbation, intercourse, oral copulation or sodomy;

C. excretory functions as part of or in connection with any of the

activities set forth in A and B above.

(2) "Specified anatomical areas" means:

A. Less than completely and opaquely covered: (1) human genitals, (2) pubic region, (3) buttocks, or (4) female breast below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) "Adult Bookstore" or "Adult Video Store" means an establishment, which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, newspapers, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, laser discs, compact discs or other visual representations, which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

B. Instruments, devices, or other paraphernalia, except prophylactic products, designed or marketed for use in connection with "specified sexual activities."

An establishment may have other principal business purposes that do not involve the offering for sale or rental material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purpose will not serve to exempt an establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the above specified materials.

(4) "Adult Motion Picture Theater" means a commercial establishment, regardless of capacity, where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." This definition of adult motion picture theater does not include the definitions of adult video arcade and adult cabaret, which are separate uses.

(5) "Adult Video Arcade" means any place to which the public is permitted or invited wherein one or more enclosed or screened areas or booths are maintained wherein still or motion picture machines, projectors, video, compact or laser disc players or other image-producing devices are operated or maintained to show images to five or fewer persons per enclosed area or booth at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult Cabaret" means a commercial establishment, including a nightclub, bar, restaurant or similar establishment, which regularly features persons who expose specified anatomical areas, or dancers, strippers or similar live entertainers in performances which are distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual

activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities." This definition of adult cabaret does not include the definitions of adult live entertainment arcade or adult theater, which are separate uses.

(7) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who expose "specified anatomical areas" or live performances which are distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities." This definition of adult theater does not include the definition of adult live entertainment arcade, which is a separate use.

(8) "Adult Live Entertainment Arcade" means any place to which the public is permitted or invited wherein one or more enclosed or screened areas or booths are maintained for viewing by five or fewer persons at any one time live entertainment such as a dance routine, strip performance or other similar entertainment, which live entertainment is distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities."

(c) **Location.** Uses defined in divisions (b)(3) Adult Bookstore, or Adult Video Store (b)(4) Adult Motion Picture Theater, (b)(5) Adult Video Arcade, (b)(6) Adult Cabaret, (b)(7) Adult Theater and (b)(8) Adult Live Entertainment Arcade of this section are designated "adult entertainment" uses. Where permitted in a use district, adult entertainment uses are subject to the following location restrictions:

(1) No adult entertainment use shall be established on a lot or lots within 1,000 feet of a residence district.

(2) No two adult entertainment uses shall be located in the same premises or on the same lot. An adult entertainment use may never be an accessory use as that term is used in this Zoning Code.

(3) No adult entertainment use shall be established on a lot or lots within 1,000 feet of another lot or lots containing an existing adult entertainment use, or of a lot or lots where there is no building or structure, but for which a valid and current permit or certificate of occupancy is issued for an adult entertainment use.

(4) No adult entertainment use shall be established on a lot or lots within 1,000 feet of a pool or billiard hall or a video or pinball arcade or tattooing or body piercing establishment.

(5) No adult entertainment use shall be located on a lot or lots within 1,000 feet of a premises, which may be one or more lots, having as its principal use: a church, synagogue or mosque; special education, preschool, kindergarten, elementary, junior high or high school; education or training facility for mentally or physically disabled persons; public or nonprofit community center in which there are regular programs for minors; public library; public park; public recreation center; playground; hospital; clinic;



infirm; nursing or convalescent home; home for the aged; rest home; orphanage or day care center.

(d) **Permit Applications.** The City shall approve or disapprove the portion of the completed application requiring review under division (e) within thirty (30) calendar days of submission.

(e) **Signs and Exterior Display.** No adult entertainment use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decorations, sign, show window or other opening from any public view.

(f) **Disseminating and Displaying Material Harmful to Juveniles.** All adult entertainment uses shall comply with applicable state and local laws regarding the dissemination and display of material harmful to juveniles."

4. In Section 1, at Section 347.12, line 3, before "Except" insert "(a)"; and in lines 5 and 6, strike "amusement, recreation, tattooing and body piercing", and insert in lieu thereof "amusement and recreation".

5. In Section 1, at Section 347.12, in line 8, reletter existing division (a) to "(1)"; and in line 13, reletter existing division (b) to "(2)".

6. In Section 1, at Section 347.12, after relettered division (a)(2), insert the following:

"(b) Where permitted in a particular use district, tattooing and body piercing uses, as described in Section 343.11(b)(2)P., are subject to the following location regulations:

(1) **Separation** No such use shall be established within one thousand (1,000) feet of a residential district or day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation center or community center.

(2) **Spacing** No such use shall be established within one thousand (1,000) feet of another such use."

7. In Section 1, at Section 347.12(c), line 2, after "arcade" insert "or tattooing or body piercing establishment".

Amendments agreed to.

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

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

**Ord. No. 474-02.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the 2002 Urban Parks and Recreation Recovery Program, for the rehabilitation of Lincoln Park; determining the method of making the public improvement of rehabilitating Lincoln Park and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

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

1. In Section 2, at the end, strike the period and insert "and from the

fund or funds which are credited the proceeds of the sale of 2002 general obligation bonds which include this purpose."

Amendment agreed to.

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

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

**Ord. No. 678-02.**

By Councilman Cimperman.

An emergency ordinance to vacate a portion of West 10th Street hereinafter described.

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

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

**Ord. No. 726-02.**

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Mr. Joel Cole, President of Network Parking, to encroach into the right-of-way of Broom Court N.W. with parking and landscaping for the development of this area.

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

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

**Ord. No. 923-02.**

By Councilmen Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into a license agreement with the County of Cuyahoga for the use of garage space necessary to store vehicles for the Division of House of Corrections, Department of Public Health, for a period not to exceed one year.

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

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

**THIRD READING EMERGENCY ORDINANCES PASSED**

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

By Mayor White.

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

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

**Ord. No. 2163-01.**

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

An emergency ordinance to repeal Sections 241.01 to 241.40 and 241.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances, relat-

ing to food shops and food handlers; and to supplement said codified ordinances by enacting new Sections 241.01 to 241.35 and 241.99 thereof, relating to food shops; and to repeal Sections 245.01 to 245.12 relating to frozen desserts.

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

**Ord. No. 278-02.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1013-01, passed July 18, 2001; to supplement said ordinance by adding new Sections 2 and 3; and to renumber existing Sections 2 and 3 to new Sections 4 and 5, relating to wetland and stream mitigation programs for the Department of Port Control.

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

**Ord. No. 589-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of gate operating devices and parts necessary to maintain, repair or replace existing gate operating devices, for the various divisions of the Department of Port Control.

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

**Ord. No. 590-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more consultants or one or more firms of consultants to provide professional services necessary to conduct annual audits of select vendors and concessionaires for Fiscal Year 2002 for the various divisions of the Department of Port Control.

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

**Ord. No. 591-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of work uniforms, for the various divisions of the Department of Port Control.

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

**Ord. No. 592-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of air filters and related parts necessary to maintain air handling units, for the various divisions of the Department of Port Control.

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

**Ord. No. 594-02.**

By Councilmen Reed and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair overhead doors, for the Division of Fire, Department of Public Safety, for a period not to exceed one year.

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

**Ord. No. 637-02.**

By Councilmen Cimperman, Gordon, Johnson, White and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and Parks, Recreation and Properties to operate the City-owned parking lots located on the northeast and southeast corners of St. Clair Avenue and East 12th Street; and to amend Section 133.331 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-95, passed December 18, 1995, relating to parking fees for Community Development surface lots.

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

**Ord. No. 676-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a requirement contract with SimplexGrinnell for the maintenance, repair and upgrade of current access control, fire and security systems, including CCTV equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

**Ord. No. 723-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract without competitive bidding with Sybase, Inc. for the purchase of software support and maintenance of MITIS software, for the Division of Taxation, Department of Finance, for a period of one year, with two one-year options to renew.

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

**Ord. No. 724-02.**

By Councilmen Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into contract with Raytheon Systems Company for professional services necessary to conduct a site preparation and installation report and a site evaluation survey report at Cleveland Hopkins International Airport to support the installation of a precision runway monitor at said airport.

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

**Ord. No. 730-02.**

By Councilmen Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Ceridian Benefits Services (formerly Applied Benefits Research, Inc. dba COBRASERV) for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.

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

**Ord. No. 731-02.**

By Councilmen Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with Integrated Consultant

Services, Ltd. to provide workers' compensation actuarial and auditing services for the Department of Personnel and Human Resources, for a period of six months, for one six-month option to renew.

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

**Ord. No. 853-02.**

By Councilmen Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Department of Jobs and Family Services, under the Workforce Investment Act, Title I; to appropriate funds to provide for administration of the 2003 Workforce Investment Act Programs by the Department of Personnel and Human Resources; and to enter into contracts with various entities necessary to implement the program.

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

**MOTION**

By Council Member Sweeney and seconded by Council Member Gordon and unanimously carried that the absence of Council Members Patricia J. Britt, Sabra Pierce Scott and Jay Westbrook be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:25 p.m. to meet on Monday, June 3, 2002 at 7:00 p.m. in Council Chambers.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES****Ord. No. 1869-01.**

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

**Ord. No. 2168-01.**

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1882 and 1876 East 71st Street to Wilma Braxton McMullan.

**Ord. No. 135-02.**

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 55th and Linwood Avenue to The Eleanor B. Rainey Memorial Institute, Inc.

**Ord. No. 284-02.**

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 69th Street to Lynette Stover.

**Ord. No. 285-02.**

By Councilman Lewis.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 71st Street to Renaud Simmons.

**Ord. No. 279-02.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001; to supplement said ordinance by adding new Sections 2 and 3; and to renumber existing Sections 2, 3, 4 and 5 to new Sections 4, 5, 6 and 7, relating to mitigation construction on Doan Brook for the Department of Port Control.

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Port Control to enter into agreements with public authorities to pay or reimburse directly related costs incurred by such entities for the purpose of implementing mitigation construction on Doan Brook, for the Department of Port Control; determining the method of making the public improvement of constructing wetland and stream mitigation improvements if a public authority does not do so; and authorizing the Director of Port Control to enter into contract for the making of such improvement.

**Section 1.** That the Director of Port Control is hereby authorized to enter into agreements with public authorities necessary to pay or reimburse directly related costs incurred by such entities for the purpose of implementing mitigation construction on Doan Brook as required by federal or State statutes, regulations, permits, or orders in an amount not to exceed **Five Million Five Hundred Thousand Dollars (\$5,500,000)**.

**Section 2.** That the existing title and Section 1 of Ordinance No. 1121-01, passed July 18, 2001, are hereby repealed.

**Section 3.** That Ordinance No. 1121-01, passed July 18, 2001, is hereby supplemented by enacting new Sections 2 and 3 to read, respectively, as follows:

Section 2. That provided a public authority will not be implementing mitigation construction on Doan Brook, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing mitigation construction on Doan Brook, for the Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement. **That the design for the project to be implemented shall be reviewed by the Design Review Committee and the City Planning Commission.**

Section 3. That provided a public authority will not be implementing mitigation construction on Doan Brook, the Director of Port Control is hereby authorized to enter into contract for the making of the above public improvement responsible bidder after competitive bidding for a gross price. Upon request of said Director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 4.** That existing Sections 2, 3, 4 and 5 of Ordinance No. 1121-01, passed July 18, 2001, are hereby renumbered, respectively, to new Sections 4, 5, 6 and 7.

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

**Ord. No. 358-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is

hereby authorized to enter into a contract, with the National Junior Tennis League of Cleveland to provide youth tennis services, for the summer of 2002.

**Section 2.** That the cost of such contract shall not exceed \$35,000 and shall be paid from Fund No. 01-700402-638000, Request No. 106785.

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

**Ord. No. 405-02.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with World Wide Flight Services for operation of a cargo facility at Cleveland Hopkins International Airport.

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with World Wide Flight Services for the use and occupancy of approximately 3,500 square feet of space in the former ACFI cargo building at Cleveland Hopkins International Airport in connection with

its operation of a cargo facility, for a term of five (5) years with one five-year option which may be requested by World Wide Flight Services upon ninety (90) days written notice to the Director of Port Control prior to the expiration of the initial term. Any such request shall be approved or rejected by the Director of Port Control. The rent for the first year shall be determined at a rate of \$7.50 per square foot. The rent for each and every subsequent year of the initial term, and each and every year of the option term shall be adjusted with the National Consumer Price Index ("CPI") but said rent shall never be less than \$7.50 per square foot during any year. As used in this section, "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch or Department of the Federal government.

The term shall commence on the date of execution of the Agreement.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

**Ord. No. 473-02.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 58113 for site improvements to the Miles Standish Elementary School with R.J. Platten Contracting Co. for the Department of Parks, Recreation and Properties.

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make the following alterations and modifications in Contract No. 58113 with R.J. Platten Contracting Co. for site improvements to the Miles Standish Elementary School, for the Department of Parks, Recreation and Properties:

**MILES STANDISH ELEMENTARY SCHOOL  
SITE IMPROVEMENTS**

**ADDITIONS — ORIGINAL ITEMS**

ITEM	DESCRIPTION	AMOUNT
Item 18	Furnish / Install 6" Concrete (235 S.F. @ 3.80/S.F.)	\$ 893.00
Item 40	Pyrus cal.'Cleve. Select' /3" caliper (4 EA @ \$380.00)	1,520.00

**CREDIT — ORIGINAL ITEMS**

ITEM	DESCRIPTION	AMOUNT
Item 3	Construction Sign	\$ 1,600.00
Item 4	Classified Fill (ODOT 23)/(80 C.Y. @ \$25.00/C.Y.)	2,000.00
Item 5	Additional Excavation (100 C.Y. @ \$20.00/C.Y.)	2,000.00
Item 6	Stone Base #304 (100 C.Y. @ \$25.00/C.Y.)	2,500.00
Item 7	Rock Excavation (100 C.Y. @ \$30.00/C.Y.)	3,000.00
Item 12	Furnish/Install 12"PVC (80 L.F. @ \$39.00/L.F.)	3,120.00
Item 16	Sheathing & Bracing (1 M.B. @ \$550.00)	550.00
Item 17	Additional Fill Sand (200 TN @ \$10.00/TN)	2,000.00

Item 27	Furnish / Install 3' C.L.F.	(130 L.F. @ \$27.00)	3,510.00
Item 28	Furnish / Install 8"x8" Bollards	(8 EA @ \$210.00)	1,680.00
Item 29	Furnish / Install 6"x6" Rem. Bollards	(2 EA @ \$450.00)	900.00
Item 47	Hedra Helix / 2-1/2" P.P.	(850 EA @ \$2.20 EA)	1,870.00
Item 48	Hemerocallis 'Stella D'Oro' / No. 1	(207 EA @ \$15.40)	3,187.80
Item 55	Acer platanoides 'Fairview' / 3" cal.	(2 EA @ \$550.00)	1,100.00
Item 59	Furnish / Install 4" Mulch	(800 S.Y. @ \$5.50/S.Y.)	4,400.00
Item *	Contingency	(5% of Original Contract Amount)	11,892.03

**NEW ITEMS FOR SUBSIDIARY**

ITEM	DESCRIPTION		AMOUNT
Item 60	C.O. #1 Concrete work	(Lump Sum)	\$35,048.50
Item 61	C.O. #2 Fence work	(Lump Sum)	9,015.00
Item 62	Demo/Remove Sandstone & Conc. Walks	(Lump Sum)	5,250.00
Item 63	Furnish/Install 6" concrete	(3,260 S.F. @ \$3.80/S.F.)	12,388.00
Item 64	Furnish/Install 3" Red Oaks	(8 Required @ \$545.00/EA)	4,360.00
Item 65	Sawcut, Demo. & Remove Asphalt	(Lump Sum)	2,887.50
Item 66	Demo. & Remove Existing Guardrail	(Lump Sum)	500.00
Item 67	Demo. & Remove Existing Pipe Rail Fence	(Lump Sum)	1,800.00
Item 68	Furn./Inst. 12"x24" El. Pl. Edge	(275 L.F. @ \$25.00/L.F.)	6,875.00
Item 69	Furnish/Install Orn. Fence	(125 L.F. @ \$75.00/L.F.)	9,375.00
Item 70	Furnish/Install 3" Pear Trees	(3 required @ \$457.00/EA)	1,371.00
Item 71	Furnish/Install Erie Sh. Yew / 24"	(50 req. @ \$71.00/EA)	3,550.00
Item 72	Furnish/Install Fothergilla g./ 18"	(100 req. @ \$42.00/EA)	4,200.00
Item 73	Furn./Inst. Topsoil / 12" Depth	(60 C.Y. @ \$25.00/C.Y.)	1,500.00
Item 74	Furnish/Install Mulch / 3" Depth	(15 C.Y. @ \$25.00/C.Y.)	375.00
Item 75	Furnish/Install 6" Concrete	(200 S.F. @ \$3.80/S.F.)	760.00
Item 76	Furnish/Install Topsoil / 4" depth	(233 S.Y. @ \$3.25/S.Y.)	757.25
Item 77	Furnish/Install seed	(233 S.Y. @ \$1.65/S.Y.)	384.45
Item 78	Furnish/Install Topsoil / 1" depth	(280 S.Y. @ \$2.00/S.Y.)	560.00
Item 79	Furnish/Install Seed	(280 S.Y. @ \$1.65/S.Y.)	462.00
Item 80	Demo/Remove Concrete Pavement	(Lump Sum)	2,975.00
Item 81	Furnish/Install 6" Concrete	(1,700 S.F. @ \$3.80/S.F.)	6,460.00
Item 82	Demo/Remove Conc. Retain. Wall & Pave.	(Lump Sum)	13,160.00
Item 83	Concrete Retaining Wall	(Lump Sum)	15,000.00
Item 84	Replace 6" Walk	(850 S.F. @ \$3.80/S.F.)	3,230.00
Item 85	Orn. Fence / Retaining Wall	(140 L.F. @ \$75.00/L.F.)	10,500.00
	ADDITIONS (Overruns)	2,413.00	
	<u>+ NEW ITEMS</u>	<u>152,743.70</u>	
	TOTAL ADDITIONS TO ORIGINAL CONTRACT	155,156.70	
	TOTAL ADDITIONS	155,156.70	
	<u>- TOTAL CREDITS</u>	<u>45,309.83</u>	
	TOTAL SUBSIDIARY AMOUNT	109,846.87	
	ORIGINAL CONTRACT AMOUNT	249,732.53	
	<u>SUBSIDIARY AMOUNT</u>	<u>+ 109,846.87</u>	
	REVISED CONTRACT AMOUNT	359,579.40	

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$109,846.87, to be paid from Fund Nos. 20 SF 361, **20 SF 370**, and 20 SF 354.

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

**Ord. No. 538-02.**

By Councilmen Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract with the Greater Cleveland Roundtable for diversity management training for field training officers and recruits, for the Division of Police, Department of Public Safety.

**Ord. No. 598-02.**

By Councilmen Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to amend Contract No. 58916 with Slavic Village Development to provide additional community development services in the agency's service area.

Whereas, pursuant to Ordinance Nos. 840-01, passed June 11, 2001 and 913-01, passed June 19, 2001, the Director of Community Development entered into Contract No. 58916 with Slavic Village Development to provide, among other things, land reutilization and beautification activities within their service area; and

Whereas, additional land reutilization and beautification activities are desired; and

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

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

**Section 1.** That the Director of Community Development is authorized to amend Contract No. 58916 with Slavic Village Development to provide for additional land reutilization and beautification activities and to increase the amount of the contract by \$12,000. Said increase shall be paid from Fund No. 14 SF 027, Request No. 104692.

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

**Ord. No. 638-02.**

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

An emergency ordinance authorizing the Director of Economic Development to lease property at 3634 Euclid Avenue from MidTown Associates, LLC for a term not to exceed three years, for the public purpose of enabling the City Empowerment Zone staff to better serve the residents of the Zone by providing easier access to staff and programming; authorizing the purchase by contract of furniture, articles, telecommunications equipment, signage, moving expenses and other necessary equipment.

**Ord. No. 679-02.**

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

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide services necessary to perform a boundary survey for all land leased to the Ohio Department of Natural Resources from the City of Cleveland for Cleveland Lakefront State Park sites.

**Ord. No. 729-02.**

By Councilmen Johnson and Jackson (by departmental request).

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

**Ord. No. 732-02.**

By Councilman Jackson.

An emergency ordinance to vacate a portion of Chadakoin Court S.E., East 57th Street, Tivoli Court S.E., and East 59th Place hereinafter described.

**Ord. No. 762-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of plow blades and curb bumpers, for the Division of Streets, Department of Public Service.

**Ord. No. 763-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of emulsion and purging solution, and labor and materials necessary to maintain emulsion equipment, for the Division of Streets, Department of Public Service.

**Ord. No. 764-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of gutter broom sets and tube and gutter brooms, for the Division of Streets, Department of Public Service.

**Ord. No. 765-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.

**Ord. No. 766-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of SSI tack coat, for the Division of Streets, Department of Public Service.

**Ord. No. 767-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of guard rail elements, posts, end wings, and hardware, for the Division of Streets, Department of Public Service.

**Ord. No. 771-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of small equipment, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year with a one-year option to renew.

**Ord. No. 774-02.**

By Councilmen Johnson and Jackson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 361-02, passed April 1, 2002, relating to a contract with Neighborhood Centers

Association to implement educational, recreational and cultural programs in various school buildings during evening hours.

**Ord. No. 830-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one office mailer-folder-inserter, including maintenance for a period not to exceed one year, for the Division of Assessments and Licenses, Department of Finance.

**Ord. No. 833-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Public Service facilities; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

**Ord. No. 834-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving various Department of Finance facilities; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

**Ord. No. 835-02.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving Cleveland City Hall; authorizing the Director of Public Service to enter into contract for the making of such improvement; and authorizing said director to employ one or more professional consultants to design the improvement.

**Ord. No. 836-02.**

By Councilmen Cimperman, Cinton, Gordon, Sweeney and Jackson (by departmental request).

An emergency ordinance to amend the title, Sections 1, 2, 5, 6, 7, and 10 of Ordinance No. 406-02, passed April 15, 2002, relating to the improvement of West 25th Street between Brooklyn-Brighton Bridge and Detroit Avenue.

**Ord. No. 898-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with American Express to provide accounts payable recovery service.

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

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

**Section 1.** That the Director of Finance is hereby authorized to enter into an agreement with American Express to provide accounts payable recovery services on the basis of its proposal dated February 11, 2002. The agreement shall require American Express to conduct an independent analysis of the City of Cleveland's accounts payable transactions to determine the nature and extent of potential overpayments made to vendors between the time period of January 1, 1999 and December 31, 2001.

**Section 2.** That the agreement shall provide that the City of Cleveland will pay American Express a contingency fee of thirty-three percent (33%) of all overpayments actually recovered. The agreement shall also provide that the City of Cleveland will not be liable for any time or expenses other than the contingency fee.

**Section 3.** The agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the public interest.

**Section 4. That, upon conclusion of the accounts payable recovery services authorized herein, the Director of Finance shall provide the Chairman of the Finance Committee with a report summarizing the overpayments recovered pursuant to the contract with American Express.**

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

**Ord. No. 905-02.**

By Councilman Sweeney.

An emergency ordinance to vacate a portion of Industrial Parkway S.W. hereinafter described.

**Ord. No. 906-02.**

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

An emergency ordinance to amend the title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended, relating to the rehabilitation of Memphis Avenue from Ridge Road to Pearl Road; and to supplement said ordinance by adding new Sections 9a, 9b, 9c, 9d and 9e thereof.

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

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

**Section 1.** That the title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance Nos. 1454-97, passed November 24, 1997 and 1402-2000, passed November 13, 2000, are hereby amended to read, respectively, as follows:

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Memphis Avenue from Ridge Road to Pearl Road to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement; and to authorize the

Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for its portion of said improvement; determining the method of making the above public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said Director to employ professional design consultants to implement such improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to construct the following improvement in accordance with plans, specifications and estimates approved by ODOT: The rehabilitation of Memphis Avenue from Ridge Road to Pearl Road (the "Improvement").

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the City will prepare or cause to be prepared construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges and the City will agree to provide the County with a complete set of as-built plans upon completion of the Improvement.

(b) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other times that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said construction.

(c) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

(d) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

Section 11. That this Council hereby authorizes payment to the County of Cuyahoga for the City's share of the cost of the Improvement and/or acceptance from the County by the City of its share of the Improvement.

Section 12. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 190, 20 SF 181, 20 SF 146, 20 SF 170, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 344 and 20 SF 353, Request Nos. 14325 and 22511.

**Section 2.** That the existing title, Sections 1, 7, 11, and 12 of Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance Nos. 1454-97, passed November 24, 1997 and 1402-2000, passed November 13, 2000, are hereby repealed.

**Section 3.** That Ordinance No. 2368-92, passed December 14, 1992, as amended by Ordinance Nos. 1454-97, passed November 24, 1997 and 1402-2000, passed November 13, 2000, is hereby supplemented by adding new Sections 9a, 9b, 9c, 9d and 9e to read, respectively, as follows:

Section 9a. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating Memphis Avenue from Ridge Road to Pearl Road, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

9b. That the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of said Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

9c. That the Director of Public Service is hereby authorized to employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the Improvement.

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

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

9e. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of such property.

**9f. That the Director of Public Service is hereby authorized to make Relocation Assistance Program payments to eligible claimants in the amounts to which they are entitled pursuant to the Rules and Regulations established by the Director of the Ohio Department of Transportation.**

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

**Ord. No. 907-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into contract without competitive bidding with The McLean Company for the purchase of one cab and chassis unit with oil distributor body, for the Division of Motor Vehicle Maintenance, Department of Public Service.

**Ord. No. 914-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance to amend the title, Section 7 of Ordinance No. 294-98, passed April 6, 1998, relating to the repair and resurfacing of Ridge Road from Brookpark Road to Denison Avenue to the County of Cuyahoga; and to supplement said ordinance by adding new Section 9a thereto.

**Ord. No. 920-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ surveyors or firms of surveyors, to provide professional surveying services on various capital projects for a period not to exceed one year.

**Ord. No. 921-02.**

By Councilmen Sweeney and Jackson (by departmental request).

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

**Ord. No. 922-02.**

By Councilmen Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to cause payment of the City's share to Cleveland Metroparks for the Scenic Byways trail and overlook construction project.

**RESOLUTION**

**Res. No. 546-02.**

By Councilman Dolan (by request).

An emergency resolution declaring the intention to vacate portions of Fernshaw Avenue and Riveredge Road.

**BOARD OF CONTROL**

May 15, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 15, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Absent: None.  
Others: Myrna Branche, Commissioner Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 284-02.**

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that all bids received on April 18, 2002, for an estimated quantity of 12,000-pounds capacity lift trucks, for the various divisions of City government, pursuant to the authority of Ordinance No. 1264-01, passed by the Council of the City of Cleveland on June 19, 2001, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: Director Romero.

**Resolution No. 285-02.**

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Ordinance No. 1414-99, passed by the Council of the City of Cleveland on December 13, 1999, Deloitte Consulting is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by the contact to provide professional services for security consulting services.

Be it further resolved that the Director of Public Utilities is hereby requested to enter into a contract with Deloitte Consulting based on its proposal dated February 1, 2002, which contract shall be prepared by the Director of Law, and which shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$2,028,008.40, and which shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Deloitte Consulting are hereby approved:

<u>SUBCONTRACTOR</u>	<u>WORK</u>
McGix Corporation (MBE)	\$129,534.00 (7%)
Interconnect Cabling Network Services (FBE)	\$73,800.00 (4%)
Ralph C. Tyler P.E.P.S., Ltd. (MBE)	\$167,945.00 (9%)

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: Director Romero.

**Resolution No. 286-02.**

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Utilicon Corporation for the public improvement of Cleaning and Cement Mortar Lining of Various Distribution Water Mains 2002, Area B and a 10% contingency allowance, for the Division of Water, Department of Public Utilities, received on April 12, 2002, pursuant to the authority of Ordinance No. 2350-01, passed March 11, 2002, for a gross price for the improvement in the aggregate amount of Three Million Five Hundred Ninety Seven Thousand Eight Hundred Eight Dollars and Fifty Cents (\$3,597,808.50) is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corporation, for the above-mentioned public improvement is hereby approved:

<u>Subcontractor</u>	<u>Work</u>
RMC, Inc. MBE	\$362,775.00
Choice Construction Co., Inc. FBE	\$181,400.00
Dan Ray Construction MBE	\$182,100.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: Director Romero.

**Resolution No. 287-02.**

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Terrace Construction Co., Inc. for the public improvement of Cleaning and Cement Mortar Lining of Various Distribution Water Mains 2002, Area A, and a 10% contingency allowance, for the Division of Water, Department of Public Utilities, received on April 10, 2002, pursuant to the authority of Ordinance No. 2350-01 passed March 11, 2002, for a gross price for the improvement in the aggregate amount of Three Million Two Hundred Eighteen Thousand One Hundred Ninety Eight Dollars and Fifty Cents (\$3,218,198.50) is hereby affirmed and approved as the lowest responsible bid; and the Direct of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corporation, for the above-mentioned public improvement is hereby approved:

<u>Subcontractor</u>	<u>Work</u>
RMC, Inc. MBE	\$482,730.00
Rockport Construct FBE	\$160,910.00

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 288-02.**

By Acting Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Board of Control Resolution No. 12-00, adopted January 12, 2000, pursuant to Ordinance No. 550-98 passed June 15, 1998, approving Camp Dresser & McKee, City Contract No. 56673, for professional environmental services for the purpose of providing environmental remediation and design services relating to Underground Storage Tank for the Division of Cleveland Hopkins International Airport, Department of Port Control, the employment of the following subcontractor for the above-mentioned professional services project is hereby approved.

Subcontractor

Description

Belmont Laboratories (MBE)	Laboratory Services
-------------------------------	---------------------

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 289-02.**

By Acting Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinances Nos. 552-2000 and 1234-2000, passed by the Cleveland City Council on June 19, 2000 and July 17, 2000, Middough & Associates, Inc. ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment and determined after a full and complete canvass by said Director as the engineering firm to be employed by contract for the purpose of providing design and engineering services necessary to complete the Preliminary Engineering Report (PER) Facilities, Non-Preliminary Engineering Report Facilities, and State Historic Preservation Officers (SHPO) Mitigation for the Rocket Engine Test Facility for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into written contract with said Consultant for services in an amount not to exceed Two Million Six Hundred and Ninety Five Thousand Six Hundred and Forty Nine Dollars (\$2,695,649.00), with options exercisable by the Director of Port Control in writing for Stage II services in an amount not to exceed One Million Four Hundred and Fifty Thousand Dollars (\$1,450,000.00), and Stage III services in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) on the basis of consultant's proposal dated April 29, 2002. The contract authorized hereby shall be prepared by the Director of Law and shall contain such other

provisions, as said Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by Middough & Associates, Inc. for the above-mentioned contract is hereby approved:

SUBCONSULTANTS

SERVICES

Central Engineering (6.18% MBE)	Engineering
DYNATECH (5.84% MBE)	Engineering
KS Associates (2.42% FBE)	Surveying & Mapping
Hardlines Design Co. Recordation & Mitigation	
The Outside In, Inc. Landscaping Architects	
Calvin Singleton & Associates	Architectural
Van Auken Akins	Architectural

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 290-02.**

By Acting Director Konicek.  
Resolution by the Board of Control of the City of Cleveland, that all bids received on March 28, 2002, for labor and materials necessary to provide electrical parts and equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. 124-02, passed by the Council of the City of Cleveland on March 25, 2002, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 291-02.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of The South East Chevrolet Co. d.b.a. Tony LaRiche Chevrolet for an estimated quantity of Chevrolet parts and labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on April 11, 2002, pursuant to the authority of Ordinance No. 2154-01, passed by the Council of the City of Cleveland on February 11, 2002, which on the basis of the estimated quantity would amount to One Hundred Fifty Thousand and no/100 Dollars (\$150,000.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested

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

Requisition No. 105840 which shall be certified against such contract in the sum of Fifty Thousand and no/100 Dollars (\$50,000.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 292-02.**

By Director Draper.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name:

Year 2001	Serial No.
Michael Kalus 9MM, 5943	YVB0152
Kathy Cavett 9MM, 5943	TYP4947
Patrick Acierno 9MM, 6906	TCM7019
Harry Gant 9MM, 5943	TFL6958
Theresa Nagy 9MM, 5943	TYR6116
James Simone 9MM, 5943	TVA6889
Frank Acierno 9MM, 5943	TVH5946
Daniel Curran 9MM, 5943	TVA6980
Thomas Conway 9MM, 5903	TCZ2156
Kenneth Zalar 9MM, 5943	TVH6017
John Kukolvic 9MM, 5943	TFK4954
Nathaniel Pursley 9MM, 5943	VHM0383
Jaqueline Bowman 9MM, 5943	TVA4914
James Shumaker 9MM, 5943	THA0666
Martin Dearing 9MM, 5943	TFK5218
Gayle Miller-Coope 9MM, 5943	TVA6770
Arssie Taylor 9MM, 5943	TVB0172
William Salupo 9MM, 5903	TCZ2212
Alan Krane 9MM, 5943	THA0727
Ronald Whitney 9MM, 5943	TVB0210
John Gannon 9MM, 5903	TCZ2208
Thomas Willey 9MM, 5943	TFK5027
Richard Zembala 9MM, 6906	TCU6086



Frank Krob  
9MM, 5943  
John Riley  
9MM, 5943  
Martin Flask  
9MM, 6906  
Joseph Sidell  
9MM, 5903  
Edward Thiery  
9MM, 5943  
Robert Klimak  
9MM, 5943  
Valarie Wilson  
9MM, 5943  
Milan Glasney  
9MM, 5943  
Alan Wieczorek  
38  
Mary Skoropys  
9MM, 5903  
William Ober  
9MM, 5943  
Timothy Coyne  
9MM, 5943  
Ronald Bero  
9MM, 5943  
Lawrence Forgach  
9MM, 5943  
Charles Thomas  
9MM, 5943

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.  
Nays: None.  
Absent: None.

**Resolution No. 293-02.**

By Director Draper.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name:

Year 2000

Patrick Aciero 9MM, 5903	Serial No.	TCZ2244
Joseph Chojnowski 9MM, 6906		TCV8906
David Wagner 9MM, 5943		TVH4917
Dennis Smith 38		C694569
Frank Bibb 9MM, 5943		TVH4885
John Porter 9MM, 6906		TCE6677
Robert Borsuk 9MM, 6906		TCV9048
Thomas Armelli 38		8059248
James Gajowski 38		4D82956
Walter Skoropys 9MM, 5943		THAQ674
George Franke 9MM, 5943		TVB0182
Robert Galaszewski 9MM, 5943		TYR6082
Donald Kupiecki 9MM, 5943		TVA6802
David Eckstein 9MM, 5903		TCZ2098
Louis Deck 9MM, 5943		TYR4790
Lawrence Kearsey 9MM, 5943		TFR3623
Robert Teutsch 9MM, 5943		TVB0450
Henry Tobias 9MM, 5943		TYR4906

Eugene Smith  
9MM, 5943  
James Davidson  
9MM, 5943  
Dennis Lenarcic  
9MM, 5943  
Michael Doyle  
9MM, 5943  
Laney Finchum  
9MM, 5903  
Gail Maxwell  
9MM, 5943  
Robbin Riley  
9MM, 5943  
Charles Brooks  
9MM, 5943  
Katherine Schlegel  
9MM, 5943  
Marshall Sewell  
9MM, 5943  
James Berry  
9MM, 5943  
Daniel Zadd  
9MM, 5943  
Gerald Brown  
9MM, 5943  
William Cunningham  
9MM, 6906  
William Emerick  
9MM, 5903  
William Kolberg  
9MM, 5943  
Janice Abernathy  
9MM, 5943  
Carl Reddish  
9MM, 5943  
Anita Eppinger  
9MM, 5943  
Mary Wise  
9MM, 6906  
Verlin Peterson  
9MM, 5943  
Fred Harvey  
9MM, 5943

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.  
Nays: None.  
Absent: None.

**Resolution No. 294-02.**

By Acting Director Glending.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction for the public improvement of Various Park Site Improvements, for Base Bid Items #C1 — #C10 and #C13 — #C15 including the 10% contingency for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on July 25, 2001, pursuant to the authority of Ordinance No. 1605-98, passed on October 19, 1998, upon a unit basis for the improvement in the aggregate amount of Two Hundred Twenty Six Thousand Six Hundred and 00/100 Dollars (\$226,600.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.  
Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Envirocom Construction for the aforementioned public improvement hereby is approved:

<u>Subcontractors</u>	<u>Responsibility</u>
Able Contracting Group (FBE)	Fence

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.  
Nays: None.  
Absent: None.

**Resolution No. 295-02.**

By Acting Director Glending.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Co. for an estimated quantity of meals for the Summer Food Program (all items) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period three (3) months, beginning with the date of execution of a contract received on the 3rd day of May 2002, pursuant to the authority of Ordinance No. 2033-01, passed December 3, 2001, which on the basis of the estimated quantity would amount to One Hundred Eighty Six Thousand Eight Hundred Eighteen and 30/100 Dollars (\$186,818.30), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 118401 which shall be certified against such contract in the sum of One Hundred Thirty One Thousand and 00/100 Dollars (\$131,000.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.  
Nays: None.  
Absent: None.

**Resolution No. 296-02.**

By Acting Director Glending.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated quantity of various food items (Bid I: 1 — 22) (Bid II: 23 — 180) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period three (3) months, beginning with the date of execution of a contract received on the 3rd day of May 2002, pursuant to the authority of Ordinance No. 2033-01, passed December 3, 2001, which on the basis of the estimated quantity would amount to Seventy Four Thousand Three Hundred Four and 47/100 Dollars (\$74,304.47), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 118402 which shall be certified against such contract in the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 297-02.**

By Director Hudecek.

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

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

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of Cleveland on March 4, 2002, this Board of Control hereby approves Twenty Thousand Dollars (\$20,000.00) as the amount of the Mortgage Loan to Lillian M. Taylor, 14215 Milverton Road, Cleveland, Ohio 44120, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 298-02.**

By Director Hudecek.

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

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

Whereas, the Housing Advisory Board has reviewed and approved the proposed mortgage loan and/or grant assistance to home buyers program; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 287-02, passed by the Council of the City of

Cleveland on March 4, 2002, this Board of Control hereby approves Twenty Thousand Dollars (\$20,000.00) as the amount of the Mortgage Loan to Renee A. Lindsley, 14219 Milverton Road, Cleveland, Ohio 44120, as approved by the Housing Advisory Board on February 27, 2001 and ratified on March 20, 2001.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 299-02.**

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 118-24-084 located at 2220 East 74th Street in Ward 5; and

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

Whereas, Inez Thompson, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Inez Thompson for the sale and development of Permanent Parcel No. 118-24-084 located at 2220 East 74th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 300-02.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 126-01-109 and 126-01-105 under said Land Reutilization Program; and

Whereas, pursuant to Ordinance No. 2189 passed by the Council of the City of Cleveland on April 15, 2002, this Board of Control adopted Resolution No. 268-02 on May 1, 2002, authorizing the sale of Permanent Parcel Nos. 126-01-109 and 126-01-105; and

Whereas, said Resolution No. 268-02 incorrectly identified the parcels as 126-01-019 and 126-01-105; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 268-02, adopted by the Board of Control on May 1, 2002, is hereby amended by correcting the parcel number "126-01-109".

Be it further resolved that all other provisions of said Resolution No. 268-02 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 301-02.**

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of gasoline item 1 (a, b) and item 3 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 353-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to Five Hundred Twenty One Thousand Five Hundred Sixty One and 60/100 Dollars (\$521,561.60) (0% 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105850 which shall be certified against such contract in the sum of Two Hundred Thousand and no/100 Dollars (\$200,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by

Petroleum Traders Corporation, for the purchase of gasoline item 1 (a, b) and item 3 (a, b), is hereby approved:

American Merchandising  
MBE — \$78,234.24

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 302-02.**

By Director Ricchiuto.  
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of gasoline item 2 (a, b), for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on May 10, 2002, pursuant to the authority of Ordinance No. 353-02, passed by the Council of the City of Cleveland on April 1, 2002, which on the basis of the estimated quantity would amount to One Million Seven Thousand Eight Hundred Ten and no/100 Dollars (\$1,007,810.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105848 which shall be certified against such contract in the sum of Four Hundred Thousand and no/100 Dollars (\$400,000.00).

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

Yeas: Mayor Campbell, Acting Director Horvath, Director Baker, Acting Directors Brown, Konicek, DeVaul, Carroll, Smith, Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

ANNE BLOOMBERG,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JUNE 3, 2002**

**9:30 A.M.**

**Calendar No. 02-104:** 3438 East 137th Street (Ward 4)

Mount Pleasant Development Corporation, owner c/o Calvin Reid, agent, appeals to change the use of an existing two dwelling house into office spaces and a conference room all situated on a 47' x 69' parcel located in a One-Family District on the west side of East 137th Street at 3438 East 137th Street; said change of use being contrary to the Residential District Requirements of Section 337.02, where office space is not permitted in a One-Family District but first permitted in a Local Retail Business District if it does not exceed 5 persons at any given time and contrary to the Off-Street Parking and Loading Requirements, where no parking spaces are proposed and 4 are required as stated in Section 349.04(g) of the Codified Ordinances.

**Calendar No. 02-105:** 10307 Detroit Avenue (Ward 19)

Chicle Properties, Inc., owners c/o Betty J. Kemper, agent, appeal to change the use of an existing approximate 85' x 100' three-story masonry industrial building into 23 apartment units and one office space with indoor and surface parking, all situated on an irregular shaped corner parcel located in a Residence Office District on the westerly side of Detroit Avenue at 10307 Detroit Avenue; said change of use being contrary to the Area Requirements, where in a "C" area district, the gross floor area cannot exceed one-half the lot area as stated in Section 355.04 of the Codified Ordinances.

**Calendar No. 02-106:** 2296 Thurman Avenue (Ward 13)

Frank Richards, owner, appeals to construct a 23' x 38' one-story frame accessory garage with a gable roof to be situated on an approximate 66' x 67' parcel located in a Two-Family District on the west side of Thurman Avenue at 2296 Thurman Avenue; said construction being contrary to the Residential District Requirements of Section 337.23(A), where accessory buildings shall be located on the rear half of the lot in which case the proposed building is required to be set back 33' and 25' is proposed and an 874 sq. ft. garage is proposed and the allowed area is 650 sq. ft. as stated in Section 337.23(7)(A) of the Codified Ordinances.

**Calendar No. 02-107:** 2386 Unwin Road (Ward 5)

Cuyahoga Metropolitan Housing, owner c/o Paul Dion, agent, appeal to establish use of space for a day care facility in a 226' x 227' one-story building to be situated on an acreage parcel located in a Multi-Family District on the west side of Unwin Road at 2386 Unwin Road; said use being contrary to the Residential District, by reference as regulated by the One-Family District in Section 337.02(f)(3)(C) and the proposed use is in a Multi-Family District and subject to the regulations of Section 337.08(e)(3), where a day care, if located less than 15' from any adjoining premises in a Multi-Family District not used for a similar purpose, requires the Board of Zoning Appeals approval.

**Calendar No. 02-108:** 2609 West 18th Street (Ward 14)

Luis and Carmen Ramos, owners, appeal to enclose an existing 6'-10" x 20' first floor, open front porch of an existing 20' x 48' one family house all situated on a 25' x 80' parcel located in a Semi-Industry District on the east side of West 18th Street at 2609 West 18th Street; said porch enclosure being contrary to the Yards and Courts Requirements, where a projection of 6' is proposed and enclosed porches or vestibules shall not project more than 4' as stated in Section 367.13(b)(4) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 20, 2002**

At the meeting of the Board of Zoning Appeals on Monday, May 20, 2002, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 02-80:** 3154 West 82nd Street

Nydia Pagan, owner, appealed to install a 4' high chain link fence to the front (east) of a 35' x 124' parcel in a One-Family District.

**Calendar No. 02-81:** 3815 John Avenue

Guy Singer, owner, appealed to construct a 20' x 27' one-story, frame accessory garage with a deck on top on a 32' x 132' parcel in a Two-Family District.

**Calendar No. 02-82:** 16009 West Park Road

Chris Chillemi, owner, appealed to construct a 22' x 32' one-story, frame accessory garage on a 53' x 273' parcel in a One-Family District.

**Calendar No. 02-86:** 7422 Harvard Avenue

Dan Sultzman, dba Dave's, appealed to construct a 170' x 286' grocery store with 138 parking spaces on a 233' x 581' parcel in zoning for General Retail Business, Semi-Industry and Two-Family Districts.

**Calendar No. 02-99:** 3939 Payne Avenue  
 Michael Chesler and Terry Coyne, owners, appealed to change the use of a one-story masonry building into an animal care facility and kennel in a Residence Industry District.

**Calendar No. 02-101:** 4253 Fulton Road  
 Memphis Fulton Association, owner, appealed to change the use of a one-story 72' x 110' retail store tenant space area into a fitness center in a Shopping Center District.

The following appeals were **Postponed:**

**Calendar No. 02-85:** 9722 Yeakel Avenue postponed to June 3, 2002.

**Calendar No. 02-87:** 16600 Lorain Avenue postponed to June 24, 2002.

**On Monday, May 20, 2002, in Executive Session:**

The following appeals were heard by the Board on Monday, May 13, 2002, and said decisions were adopted and approved in Executive Session on May 20, 2002:

The following appeals were **Approved:**

**Calendar No. 02-74:** 5021 Pearl Road  
 Don Petruzzi dba Don's Chevrolet, owner, appealed to install a 56' high pole sign with a 640 sq. ft. illuminated cabinet in addition to an existing free-standing business identification sign in a General Retail Business District.

**Calendar No. 02-76:** 6202 St. Clair Avenue  
 McGregor Development, owners, appealed to convert a former first floor retail space of a 49' x 120'-6" two-story retail building into 7 new apartment units in a Local Retail Business District.

**Calendar No. 02-77:** 13511 Union Avenue  
 Burger King Corporation, owner, and Mt. Pleasant Development Corporation appealed to construct a 43,000 sq. ft. three-story, 39 unit elderly housing complex in split zoning between General Retail Business and Semi-Industry Districts; subject to conditions.

**Calendar No. 02-83:** 3593-3609 East 65th Street (Units 1-4)  
 Broadway Area Housing and Slavic Village Development appealed to construct a 48' x 88' two-story, frame 4 unit townhouse building on a 160' x 200' parcel in a Local Retail Business District.

**Calendar No. 02-84:** 3593-3609 East 65th Street (Units 5-8)  
 Broadway Area Housing and Slavic Village Development appealed to construct a 48' x 88' two-story, frame 4 unit townhouse building on a 160' x 200' parcel in a Local Retail Business District.

**Calendar No. 02-44:** 2141 West 28th Street  
 Bruce Hedderson appealed to construct a two-story, one family dwelling house on a 32' x 119.50' parcel in a Two-Family District; subject to conditions.

**Calendar No. 02-45:** 2149 West 28th Street  
 Bruce Hedderson appealed to construct a 25' x 49' two-story, one family dwelling house on a 33' x 119.50' parcel in a Two-Family District; subject to conditions.

The following appeals were heard by the Board on Monday, May 6, 2002, and said decisions were adopted and approved on May 20, 2002:

The following appeals were **Approved:**

**Calendar No. 02-38:** 811 College Avenue  
 Thomas Leneghan, owner, appealed to construct a patron parking lot on a vacant parcel in a Two-Family District.

**Calendar No. 02-39:** 2309 Professor Street  
 Thomas Leneghan, owner, appealed to construct a patron parking lot on a vacant parcel in a General Retail Business District.

**Calendar No. 02-73:** 2787 East 124th Street  
 Theresa Williams, owner, appealed to enclose a second story, open front porch of a two family house in a Two-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, May 29, 2002  
 1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a Public Hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, May 29, 2002, at 1:00 p.m., to consider the following ordinance now pending in the Council:

**Ord. No. 944-02.  
 By Councilman Zone.**

To change the zoning of properties on the southeast and southwest corners of West 54th Street and Herman Avenue Road. (Map Change No. 2046, Sheet No. 1)

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

JOSEPH C. CIMPERSAN  
 Chairman  
 Committee on City Planning

May 15, 2002 and May 22, 2002

**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, JUNE 5, 2002**

**The Purchase of Various Items of Fence Installation and/or Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2358-01, passed by Council of the City of Cleveland, on February 11, 2002.**

**THERE WILL BE A MANDATORY PRE-BID MEETING ON WEDNESDAY, MAY 22, 2002 AT 10:00 A.M. AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**Labor and Materials Necessary for Painting and Paint Removal on Roadways, Runways, and other Paved Areas, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 128-02, passed by Council of the City of Cleveland, March 25, 2002.**

**Service Fittings, for the Division of Water, Department of Public Utilities as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.**

**THERE WILL BE A MANDATORY PRE-BID MEETING ON FRIDAY, MAY 24, 2002, AT 10:30 A.M., AT THE DIVISION OF WATER-DISTRIBUTION & MAINTENANCE, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105, PIPE REPAIR CONFERENCE ROOM.**

May 15, 2002 and May 22, 2002

**THURSDAY, JUNE 6, 2002**

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

May 15, 2002 and May 22, 2002

**FRIDAY, JUNE 7, 2002**

**Rental and/or Purchase of Flashers, Safety Lights, Arrow Bars and Traffic Control Devices**, for the Various Divisions of the Department of Public Utilities, as authorized by Ordinance No. 1160-01, passed by Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, MAY 23, 2002, AT 2:30 P.M. AT THE DIVISION OF WATER, 4th FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 15, 2002 and May 22, 2002

**WEDNESDAY, JUNE 12, 2002**

**Repair of 1750 HP Synchronous Motor Unit #58 2nd High Service Pump at Fairmount Pump Station**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2352-01, passed by Council of the City of Cleveland, March 4, 2002.

THERE WILL BE A PRE-BID MEETING ON WEDNESDAY, MAY 22, 2002, AT 10:00 A.M. AT THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, AUDITORIUM-1st FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, FOLLOWED BY SITE VISIT AT FAIRMOUNT PUMP STATION, 2316 WOODHILL ROAD, CLEVELAND, OHIO.

May 15, 2002 and May 22, 2002

**FRIDAY, JUNE 14, 2002**

**Labor and Materials to Repair or Replace Roofs**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1147-01, passed by Council of the City of Cleveland, July 18, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON WEDNESDAY, MAY 29, 2002, AT 11:00 A.M. AT THE 2nd FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 15, 2002 and May 22, 2002

**THURSDAY, JUNE 27, 2002**

**Addition of Autosampler to Existing Varian Gas Chromatograph Mass Spectrometer and Accessories**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, JUNE 5, 2002, AT 1:00 P.M., LOCATED AT CARL B. STOKES, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 15, 2002 and May 22, 2002

**WEDNESDAY, JUNE 12, 2002**

**Personal Protective Equipment-Level A Suits**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1726-98, passed by Council of the City of Cleveland, November 16, 1998.

**Diving Dry-Suits for the Harbor Unit**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 497-01, passed by Council of the City of Cleveland, May 21, 2001.

**Unarmed, Uniform Security Guard Services**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 127-02, passed by Council of the City of Cleveland, April 22, 2002.

May 22, 2002 and May 29, 2002

**THURSDAY, JUNE 13, 2002**

**Vehicle Maintenance Equipment**, for the Division of Cleveland Public Power, Department of Public Safety, as authorized by Ordinance No. 843-01, passed by Council of the City of Cleveland, June 11, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, MAY 30, 2002, AT 2:00 P.M., LOCATED AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Automotive Parts and Supplies**, for the Repair, Replacement and Maintenance of Airport Maintenance Vehicles and Equipment for Subject Items No. 5, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1003-01, passed by Council of the City of Cleveland, June 19, 2001.

**WEDNESDAY, JUNE 26, 2002**

**Hauling and Disposing of Water Plant Residuals**, for the Division of Water Department of Public Utilities, as authorized by Ordinance No. 213-02, passed by Council of the City of Cleveland, April 8, 2002.

May 22, 2002 and May 29, 2002

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 230-02.**  
**By Councilman Brady (by request).**

**An emergency resolution declaring the intention to vacate a portion of Oliver Road S.W.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Oliver Road S.W. as hereinafter described; and

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

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

**Section 1.** That it hereby declares its intention to vacate portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being all that portion of the Northeasterly 10.00 feet by rectangular measurement of Oliver Road S.W. (50.00 feet wide) extending Southeasterly from the Southerly line of Jasper Avenue S.W. (60.00 feet wide), to its intersection with the Westerly line of a parcel of land conveyed to Leonard N. & M. J. Andreasik by deed recorded in Volume 41339, Page 66 of Cuyahoga County Records.

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

Adopted May 13, 2002.  
Effective May 20, 2002.

**Res. No. 951-02.**  
**By Councilman Britt.**  
**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 1930 East 79th Street and repealing Resolution No. 1583-01, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 1930 East 79th Street Resolution No. 1583-01 adopted by Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and hereby consents to said renewal pursuant to the Cooperation Agreement by and through Patricia J. Britt and Rosita Kutkut, President of Casciana Corporation, DBA Quik Pik Market, 1930 East 79th Street, Cleveland, Ohio 44103, Permit Number 1302675, and executed by Susan M. Bungard, Assistant Director of Law; 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 C2 and C2X Liquor Permit to 1930 East 79th Street be and the same is hereby withdrawn and Resolution No. 1583-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 13, 2002.  
Effective May 20, 2002.

**Res. No. 952-02.**  
**By Councilman Conwell.**  
**An emergency resolution objecting to the stock transfer of a D5 Liquor Permit to 11239-43 Superior Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a stock transfer of a D5 Liquor Permit to Formosa Tavern, Inc., 11239-43 Superior Avenue, Cleveland, Ohio 44106 Permanent Number 2821935; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the stock transfer of a D5 Liquor Permit to Formosa Tavern, Inc., 11239-43 Superior Avenue, Cleveland, Ohio 44106, Permanent Number 2821935, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 13, 2002.

Effective May 20, 2002.

**Res. No. 953-02.**

**By Councilman Lewis.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1199 Addison Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit to Yasmene, Inc., DBA Miceys River Market, 1199 Addison Road, Cleveland, Ohio 44103, Permanent Number 9821095.

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit to Yasmene, Inc., DBA Miceys River Market, 1199 Addison Road, Cleveland, Ohio 44103, Permanent Number 9821095, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 13, 2002.

Effective May 20, 2002.

**Res. No. 954-02.**

**By Councilman O'Malley.**

**An emergency resolution urging the Cleveland Board of Education to continue its evaluation of proposed school closures to prevent the Closure of William Cullen Bryant Elementary School in Ward 16.**

Whereas, in late March, the Cleveland Board of Education announced the proposed closure of a number of schools throughout the City of Cleveland; and

Whereas, Cleveland City Council was greatly concerned about the impact of the proposed school closures on our neighborhoods; and

Whereas, subsequent to the announcement by the Cleveland Board of Education, members of Council held a public hearing with Barbara Byrd Bennett, CEO of the School District, and other school administrators to gain an understanding of the rationale and process surrounding the proposed school closures; and

Whereas, since that initial hearing before Cleveland City Council, there have been a number of productive meetings to determine the most effective manner to educate our children in their neighborhood schools while dealing with the economic and administrative constraints facing the School District; and

Whereas, a vital school is necessary in order for a neighborhood to retain its vitality; and

Whereas, residents of Ward 16 with children attending William Cullen Bryant Elementary School located on Oak Park Avenue are hopeful that the Cleveland Board of Education will act fairly and reasonably in dealing with the sensitive issue of school closures; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public safety, welfare and health; now therefore,

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

**Section 1.** That this Council of the City of Cleveland urges the Cleveland Board of Education to continue its reevaluation of proposed school closures to prevent the closure of William Cullen Bryant Elementary School located on Oak Park Avenue in Ward 16.

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

Adopted May 13, 2002.

Effective May 20, 2002.

**Res. No. 955-02.**

**By Councilman Pierce Scott.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 863-71 East 93rd Street and repealing Resolution No. 1620-01, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 863-71 East 93rd Street by Resolution No. 1620-01 adopted by Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above renewal and hereby consents to said renewal pursuant to the Cooperation Agreement by and through Sabra Pierce Scott and Ibrahim Najjar, President of Samia, Inc., DBA Convenience Deli, 863-71 East 93rd Street, Cleveland, Ohio 44108, Permit No. 7702571, and executed by Susan M. Bungard, Assistant Director of Law; and

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

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

**Section 1.** That objection to the C2 and C2X Liquor Permit to 863-71 East 93rd Street be and the same is hereby withdrawn and Resolution No. 1620-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 13, 2002.  
Effective May 20, 2002.

**Res. No. 956-02.**  
**By Councilman Polensek.**  
**An emergency resolution objecting to the issuance of a New C1 Liquor Permit to 15638 Holmes Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the issuance of a New C1 Liquor Permit to Tamara Tait, DBA R & T Resale and Variety, 15638 Holmes Avenue, Cleveland, Ohio 44110, Permanent Number 8780685.

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a New C1 Liquor Permit to Tamara Tait, DBA R & T Resale and Variety, 15638 Holmes Avenue, Cleveland, Ohio 44110, Permanent Number 8780685, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies

of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted May 13, 2002.  
Effective May 20, 2002.

**Res. No. 957-02.**  
**By Councilman White.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 10808 Dove Avenue and repealing Resolution No. 565-02, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 10808 Dove Avenue by Resolution No. 565-02 adopted by Council on March 25, 2002; and

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

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

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

**Section 1.** That objection to the C2 and C2X Liquor Permit to 10808 Dove Avenue be and the same is hereby withdrawn and Resolution No. 565-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 537-01.**  
**By Councilman Britt.**  
**An emergency ordinance to amend Section 535.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A passed September 22, 1924 relating to penalty for using water without permission.**

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 535.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A passed September 22, 1924 is hereby amended to read as follows:

**Section 535.37 Using Water without Permission, Penalty**

(a) No person shall take water or in any way use water for private use which is furnished by the Divi-

sion of Water, unless, pursuant to the applicable sections of this chapter, such person first pays for the same and receives the usual permit from the Commissioner of Water to do so, except for the extinguishment of fires.

(b) Whoever violates the provisions of this section shall be fined \$150.00. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

**Section 2.** That existing Section 535.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A passed September 22, 1924 is hereby repealed.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 1982-01.**  
**By Councilmen Jones, Polensek, Lewis, Cimperman, Jackson and Patton (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Northeast Ohio Neighborhood Health Services, Inc. to provide economic development assistance to partially finance building renovations, site improvements, machinery and equipment purchases, and all other associated costs to redevelop the properties located at 8300 Hough Avenue and 12206 Superior Avenue, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Section 108 loan with Northeast Ohio Neighborhood Health Services, Inc. to provide economic development assistance to partially finance the building renovations, site improvements, machinery and equipment purchases, and all other associated costs to redevelop the properties located at 8300 Hough Avenue and 12206 Superior Avenue, Cleveland, Ohio (the "Improvement").

**Section 2.** That the costs of said Empowerment Zone Section 108 loan authorized herein shall not exceed One Million Three Hundred Eighty-Eight Thousand Four Hundred Eighty-Two Dollars (\$1,388,482) and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, which funds are appropriated for this purpose, Request No. 103918.

**Section 3.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal

regulations and such fees are hereby appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305 and 18 SF 004, Loan Fees Funds.

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

**Section 6.** That the Director of Economic Development is hereby authorized to enter into a grant agreement with Northeast Ohio Neighborhood Health Services, Inc. to receive Economic Development Initiative Grant funds to partially finance the above-described Improvement.

**Section 7.** That the costs of said grant authorized above shall not exceed Three Hundred Forty-Seven Thousand One Hundred Twenty-One Dollars (\$347,121) and shall be paid from Fund No. 18 SF 003, which funds are appropriated for this purpose, Request No. 103918.

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

**Section 9.** That the terms of the loan and the grant shall be in accordance with the terms as set forth in the Summary contained in File No. 1982-01-B.

**Section 10.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 2370-01.**  
**By Councilmen Jackson, Lewis and Patmon (by departmental request).**

**An emergency ordinance to amend Sections 3101.04, 3101.05, 3101.06, 3101.09, 3103.09, 3103.25, 3105.02, and 3105.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; to repeal Sections 3101.07 and 3111.04; to rename Chapter 3111 of these codified ordinances; to repeal Sections 3121.01 and 3121.02, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986; and to supplement said ordinances by enacting new Sections 3121.01 and 3121.02 thereof, all relating to the residential code for one- and two- and three family dwellings.**

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

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

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

Sections 3101.04, 3101.05, 3101.06, and 3101.09, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986

Section 3103.09, as amended by Ordinance No. 2082-94, passed April 4, 1995

Section 3103.25, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986

Section 3105.02, as amended by Ordinance No. 775-91, passed May 13, 1991

Section 3105.26, as amended by Ordinance No. 1104-94, passed June 13, 1994, and

Section 3111.04, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986

are hereby amended to read, respectively, as follows:

#### **Section 3101.04 Abbreviations**

(a) Abbreviations used in this Building code substance or if preceding or referring to standards and publications mean those contained in the Ohio Administrative Code (OAC), those authoring or promulgating agencies indicated in OAC chapter 4101:2-46, and those as follows:

"BOCA" means Building Officials and Code Administrators International, Inc.

"CABO" means "CABO One and Two Family Dwelling Code" as promulgated by the Council of American Building Officials.

"ICC" means International Code Council.

"NFPA" means National Fire Protection Association.

"OAC" means Ohio Administrative Code.

"OBC" means the Ohio Building Code, as contained in OAC Chapters 4101:2-1 to 4101:2-69. All references to OBBC in this Building Code shall hereafter mean OBC.

"OCIEB" means Ohio Construction Industry Examining Board.

"ORC123" means Ohio Residential Code for One, Two and Three Family Dwellings as promulgated by the Ohio Building Officials Association. Any reference to CABO shall mean ORC 123.

#### **Section 3101.05 Definitions**

The definitions contained in OBC, and ORC 123 shall be applicable to this Building Code, except as supplemented or otherwise provided for as follows:

(a) "Approved" means approved by the Ohio Board of Building Standards or the City Board of Building Standards and Building Appeals, or approved by the Commissioner of Building and Housing under provisions of this Building Code, or approval by other authority designated by OBC or this Building Code to give approval in the matter in question.

(b) "Building Department" means the Division of Building and Housing.

(c) "Building Official" means the Commissioner of the Division of Building and Housing of the City of Cleveland.

(d) "City" means the City of Cleveland.

(e) "Commissioner" means the Commissioner of Building and Housing of the City of Cleveland.

(f) "Jurisdiction" means the "City."

(g) "Natural grade" means the surface of the ground prior to excavation, fill or grading. (For "grade level" see Section 325.32 of the Zoning Code.)

(h) "Occupancy change" means a change from one occupancy classification to another occupancy classification. (For use group classifications, see OAC Chapter 4101:2-3.)

(i) "Occupancy separation" means fire separation in a building or other structure between parts of different occupancy classifications.

(j) "Owner" means the owner or owners of the premises, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent or any other person, firm, or corporation directly in control of the premises or having a legal or equitable interest in the property.

(k) "Premises" means land, including buildings or structures thereon, or any part thereof, except land occupied by streets, alleys or public thoroughfares.

(l) "Repair" means the reconstruction, replacement or renewal of any part of an existing building, structure or device with like material or parts, for the purpose of maintenance of such building, structure or device.

(m) "Required" means required by OBC or this Building Code.

(n) "Shall" means mandatory.

(o) "Toilet room" means a room containing one or more water closets, and may also contain one or more lavatories, urinals and other plumbing fixtures.

#### **Section 3101.06 Technical Standards**

(a) The referenced standards in OBC shall be supplemented by the standards listed in the Cleveland Fire Prevention Code which relate to building fire prevention as fire prevention is defined in OAC 4101:2-2.

(b) Compliance with the referenced standards specified in division (a) hereof constitutes prima-facie compliance with the intent and requirements of this Cleveland Building Code, except where a specific provision of the Ohio Revised Code or the Ohio Administrative Code including OBC, or the Cleveland Building and Fire Prevention Codes, provides otherwise.

(c) Those provisions of referenced standards which establish safety requirements shall be considered mandatory and those provisions of referenced standards exceeding safety requirements shall be considered as acceptable but not required by this Building Code.

#### **Section 3101.09 Responsibility of Owner**

(a) The owner of premises subject to the provisions of the Building Code shall be responsible for compliance with the standards set forth herein. He shall remain responsible therefor, regardless of the fact certain responsibilities may also be placed on operators or agents. The owner shall remain responsible for the elimination of any violation found on his premises.

(b) Exception: An owner who enters into a written agreement with a person or entity to perform work to improve, add to or construct on the owner's property shall be exempt from the responsibility for the errors or omissions of the person or entity hired to perform the work, if the written agreement specifically makes the person or entity performing the work responsible for obtaining all required permits and approvals from the City.

#### **Section 3103.09 Unsafe Structures; Violation and Remedial Notices; Cost Recovery**

(a) *Legislative Findings.*

Council of the City of Cleveland finds that:



(1) Structures which are vacant and open to entry at doors, windows or other points accessible to the general public:

A. Attract children to enter;  
 B. Become harborage for vermin;  
 C. Serve as temporary abode for delinquents, vagrants and criminals; and

D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding such vacant, open structures invite the dumping of garbage and rubbish thereupon;

(3) Thousands of structures in this City are made of wood-frame construction which is more flammable than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, thereby increasing the risk of conflagration and spread of insect and rodent infestation;

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures to increase significantly;

(6) Such vacant, open structures often become dilapidated because they are not repaired by the owners or persons in control of said structures;

(7) Structures that are vacant and open to entry depress the market value of surrounding properties;

(8) The existence of certain hazardous conditions may require a structure to be vacated; such conditions include but are not limited to:

A. Danger of structural collapse;  
 B. Inadequate heat or use of dangerous heating mechanism;  
 C. Danger of fire; and  
 D. Lack of plumbing in safe working order.

(9) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners.

(b) *Declaration of Nuisance.*

All buildings or structures which are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or which constitute a fire hazard, or which are vacant and open to public entry, or which are otherwise dangerous to human life or injurious to the public, or which in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures". All such unsafe structures or conditions are hereby declared to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition.

(c) *Effective Boarding Pending Rehabilitation*

(1) *Permits:*

Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and the Ohio Admin-

istrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within seven (7) days of receiving a notice of violation, to the Division of Building and Housing for a permit to board. The Division of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within seven (7) days of the issuance of a boarding permit, or within such other time limit that the Commissioner deems appropriate. Structures which are boarded without first obtaining a boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit pursuant to Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Commissioner may grant an extension of time for acquiring a rehabilitation permit upon the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit subsequent to effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials:*

The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. Such openings shall be secured by plywood, not less than one-half inch (1/2") thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches (48") wide shall be framed with two inch by four inch (2" x 4") lumber and plywood, or equivalent material fastened twenty-four inches (24") on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance:*

Upon effectively boarding the structure, the owner shall monitor and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure which is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation:*

Rehabilitation of the structure shall commence within ninety (90) days of receiving a rehabilitation permit pursuant to Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. If rehabilitation of the effectively boarded structure does not commence within this time

period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Commissioner may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

(1) The Commissioner is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of such examination.

(2) The Commissioner may designate as a public nuisance those particular structures or conditions found to be unsafe pursuant to subsection (b) hereof.

(3) The Commissioner may also declare that a nuisance structure which, due to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition.

(4) Whenever the Commissioner finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he may cause the structure to be secured at those points of entry. The Commissioner shall be authorized at any time to enter upon the premises to secure the structure in order to lessen the severity of the public nuisance. In securing such structure, the Commissioner may call upon any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure. Such securing shall not be deemed to constitute "effective boarding" pursuant to subsection (b) hereof, and it does not abate the nuisance condition of an unsafe structure, as declared pursuant to subsection (d)(2) hereof, unless so declared in writing by the Commissioner. Subsequent notice, issued pursuant to subsection (e)(1) below, shall include the fact that the Commissioner has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation*

(1) Whenever the Commissioner finds a building, structure or portion thereof to be unsafe and determines it to be a public nuisance, he shall forward by certified mail to the owner, agent or person in control of such building, structure or portion thereof and to any mortgagee of record a written notice of violation stating the defects thereof. Such notice of violation shall require the owner within a stated time to abate the nuisance condition of such structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or by demolition and removal of the building, structure, or portion thereof. The notice also shall state that if the nuisance is not abated within the required time that the Commissioner may take appropriate action to take repair or maintenance measures to abate the public nuisance and that the owner,

agent or person in control shall be responsible for the cost of the repair or maintenance measures.

(2) If the person to whom such notice and order is addressed is not found after a reasonable and diligent search, then such notice and order shall be sent by certified mail to his tax mailing address, if available, as indicated on the County tax duplicate, and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed legal service of such notice.

(3) An owner or agent or person in control of such structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Ohio Revised Code, and Ohio Administrative Code including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees thereof of such notice of violation or the notice to make corrections, or to demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or portion thereof after receiving a notice of violation to make corrections, or to demolish and remove the same, without first providing the transferee with a copy of such notice.

(4) A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Ohio Revised Code including the Ohio Building Code, or any outstanding notice to demolish and remove.

No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained pursuant to this division and, within ten days of the date of transfer, shall notify the Commissioner, in writing, of the actions that will be taken to comply. The Commissioner may then establish a reasonable time to comply.

(f) *Vacating Buildings and Prohibiting Use.*

The Commissioner may also require in the notice issued pursuant to division (e)(1) hereof that the building, structure or portion thereof be vacated and not reoccupied or used until the specified repairs and

improvements are completed, inspected, and approved by the Commissioner. The Commissioner may cause to be posted at each entrance to such building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE COMMISSIONER OF BUILDING AND HOUSING." Such notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove such notice without written permission of the Commissioner, nor shall any person use or enter the building or structure except for the purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure pursuant to paragraph (d)(4) hereof.

(g) *Right to Appeal.*

The owner, agent or person in control shall have a right to appeal from the notice and decision of the Commissioner as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he should not comply with such notice. Any notice served by the Commissioner shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in such notice from the Commissioner. In the absence of an appeal, all actions taken pursuant thereto shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or portion thereof, the Commissioner may take appropriate action to demolish and remove an unsafe structure, or may advise the Director of Law of the facts in the case, who, in turn, may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of such building or structure pending rehabilitation. The securing of rehabilitation permits for such building or structure shall not in and of itself bar the Commissioner from taking action to abate the nuisance. The Commissioner may, with respect to any condemned structure, also take appropriate action to effectively board such structure, or to secure it pursuant to paragraph (d)(4) hereof. The Commissioner shall specifically state in writing his findings with respect to such structure, and shall determine whether to secure or to effectively board, based upon factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or portion thereof, the Commissioner may take

appropriate action to take repair or maintenance measures to abate the public nuisance. The Commissioner shall specifically state in writing the findings with respect to the structure, and shall determine whether to perform repair or maintenance upon factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

Except as provided in subsection (i) hereof, the Commissioner shall give written notice informing the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove the unsafe building or structure at least thirty days prior to such intended action by the City. Such notice may be effective concurrently with the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that subsequently becomes open to entry, may then be demolished and removed, subject to the Commissioner giving written notice as stated in paragraph (e)(1) hereof and this subsection (h), upon a finding by the Commissioner that the structure can no longer be effectively boarded.

(i) *Cases of Emergency.*

In cases of emergency which, in the opinion of the Commissioner, involve immediate danger to human life or health, the Commissioner shall promptly cause the building, structure or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or any abutting land or structure, with such assistance and at such cost as he deems necessary. He may request the Director of Public Safety to enforce the orders he gives that are necessary to cause the building, structure or portion thereof to be made safe or removed. The Director of Public Safety has the authority to enforce such orders. He may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

(j) *Costs.*

(1) Any and all expenses or costs incurred under this section for the removal, repair, alteration, securing or boarding of a building or structure shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money.

(2) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, there shall be charged a fee of One Hundred Dollars (\$100.00) for each such inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures

(3) If the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied within thirty days after receipt from the Director of Community Development of a statement of the charges and costs incurred therein, the Director may certify such amount to the Commissioner of Assessments and Licenses. The Commissioner of Assessments and Licenses shall make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of such labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon such lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting thereof in accordance with Ohio R.C. 715.261.

(4) Notwithstanding the method of collection set forth in this division, the Director of Law may take any action necessary to collect the costs of demolition or boarding from the owner or other responsible party.

#### **Section 3103.25 Violations Generally**

(a) No person shall violate any provision of OBC or this Building Code, or any code adopted therein or any rule or regulation promulgated thereunder, or fail to comply thereunder, or with any order issued thereunder, or cause or permit the same to be done.

(b) No person shall fail or neglect promptly to notify the administrative officer having jurisdiction that work under a permit issued pursuant to the provisions of OBC or this Building Code has been begun.

(c) No person shall perform any work or install any appliance, device or equipment without first obtaining the permit required therefor under OBC or this Building Code; nor refuse, neglect or fail to obtain any permit required under OBC or this Building Code for the storage, use or handling of a hazardous substance; nor block, wedge or otherwise hold in an open position any self-closing door required under OBC or this Building Code to be maintained in a normally closed position.

(d) No person shall perpetrate a fraud or misrepresent a material fact by reason of which any permit or approval required under OBC or this Building Code is obtained; nor pursue any trade or business or perform any work or service for which a license, certificate of registration or certificate of qualification is required under OBC or this Building Code without possessing such license or certificate.

(e) No person shall refuse, neglect or fail to comply with any stop work order issued under the provisions of this Building Code; nor refuse, neglect or fail to comply with a notice to repair, rehabilitate or demolish a building or other structure declared to be unsafe under the provisions of this Building Code; nor refuse, neglect or fail to comply with a notice requiring the abatement or removal of a violation or requiring compliance with any provision of this Building Code or any rule or regulation thereunder within the time limit set forth in such notice; nor maintain a use or occupancy prohibited by this Building Code; nor refuse, neglect or fail to

maintain stair enclosures, stairways, fire escapes, exit passageways or other required means of egress in a safe and usable condition as required by OBC or this Building Code.

(f) No person shall refuse, neglect or fail to comply with a written order issued under the provisions of this Building Code requiring the immediate abatement of a dangerous condition when immediate compliance with such order is essential for the public health, safety and welfare.

(g) No person shall convert any residential occupancy building or any part thereof by performing or causing to be performed any construction, repair or alteration in or for such building without first obtaining the required permit.

(h) No person shall fail to install, repair, or alter material or equipment in a workmanlike manner. For the purposes of this Building Code, workmanlike manner shall be defined as work that occurs in accordance with the standards set for the in the latest edition of the "Residential Construction Performance Guidelines for Professional Builders and Remodelers" as published by the National Association of Home Builders.

(i) No person shall fail to perform work in a workmanlike manner pursuant to division (h) of Section 3103.25.

(j) No person shall abandon work for more than ninety (90) days in a substantially incomplete state. For purposes of this Building Code, work that is abandoned for more than ninety (90) days in a substantially incomplete state shall be considered work that is not performed in a workmanlike manner pursuant to division (h) of Section 3103.25.

#### **Section 3105.02 Permit Applications; Plans and Specifications**

##### **(a) Form.**

(1) An application for a permit required under OBC or Section 3105.01 signed by the owner or his authorized agent, shall be filed with the Commissioner on a form furnished by him and shall provide such information as may reasonably be required by the Commissioner for an intelligent understanding of the proposed work.

(2) When separate permits from the Fire Chief are required in connection therewith, the applications for such separate permits shall be filed with the Commissioner who shall promptly transmit such applications and the relevant plans and specifications for action by the Division of Fire.

(3) If application is made by a person other than the owner in fee, the Commissioner may require that it be accompanied by a duly verified affidavit of the owner in fee or the person making the application, stating that the proposed work is authorized by the owner in fee, and that the person making the application is authorized to make such application.

(4) When separate permits from the Division of Water are required in connection therewith, the application for a permit required under OBC or Section 3105.01 shall be accompanied by a site plan. The Commissioner shall promptly transmit such site plan to the Division of Water to determine the location of any previously installed service connections and to make arrangements to plug or cap such service connections pursuant to Section 531.07.

##### **(b) Plans and Specifications.**

(1) When required by the Commissioner, two or more copies of plans and specifications shall accompany each application. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed. Such plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this Building Code and all other applicable laws, ordinances, rules and regulations. Such information shall be specific, and OBC or this Building Code shall not be cited as a whole or a part, nor shall the term "legal" or its equivalent, be used, as a substitute for specific information. Each set of plans and specifications shall give the address of the work and the name and address of the owner and of the person who prepared them.

(2) The Commissioner may require a plot plan by a qualified surveyor showing the topography of the site, and the location of the proposed building or structure on the site or lot, and of buildings and structures on adjoining property. He may also require details, computations, stress diagrams, and other data necessary to describe the construction and basis for calculations. (See Section 327.02(e) of the Zoning Code.)

(3) When plans contemplate structural changes or structural work affecting public health or safety, the Commissioner may require that they shall be prepared by and bear the seal of a registered architect or registered professional engineer, and he may require that they be accompanied by an affidavit of such registered architect or registered professional engineer stating that he has supervised the preparation of the plans, and that to the best of his knowledge and belief the structure, if built in accordance with the plans, will conform to OBC and this Building Code, except as specifically noted otherwise.

(4) When approved plans and specifications are not required, work shall be installed in accordance with the material manufacturer's installation requirements for the conditions that exist and work shall be performed in the manner intended.

#### **Section 3105.26 Schedule of Inspection Fees**

There shall be no separate inspection fees except as provided in Section 3105.27 and this section:

##### **(a) Special Inspections.**

(1) Whenever an inspection has been requested and upon inspection the work is not found to be ready for inspection, or where the address given in the application for permit is faulty or inaccurate, there shall be charged a fee of thirty dollars (\$30.00) for each such inspection.

(2) For inspections required outside of regular working hours (special events, witness testing of special equipment, etc.) the fee shall be seventy-five dollars (\$75.00).

(3) Whenever a special inspection, not a routine inspection of work being done under a permit, is requested, there shall be an inspection fee as follows:

Dwelling units at \$15.00 each, minimum \$45.00

Other structures \$45.00 per story

(4) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code or

the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, there shall be charged a fee of One Hundred Dollars (\$100.00) for each such inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures.

- (b) Annual Building Inspections.
- |  |                       |
|--|-----------------------|
| (1) Eating Places  | \$50.00 per occupancy |
| (2) Drinking Places                                      | \$50.00 per occupancy |
| (3) Annual Inspections pursuant to Licensing Requirement | \$50.00 per occupancy |
- (c) Late fee, for work started prior to permit issuance:
- |                                 |          |
|---------------------------------|----------|
| Within 72 hours of notification | \$75.00  |
| After 72 hours                  | \$150.00 |

(d) Payment of charges for inspections enumerated above shall be made before any additional permits will be issued to the permit holder.

**Section 2.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

Sections 3101.04, 3101.05, 3101.06, 3101.07 and 3101.09, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986

Section 3103.09, as amended by Ordinance No. 2082-94, passed April 4, 1995

Section 3103.25, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986

Section 3105.02, as amended by Ordinance No. 775-91, passed May 13, 1991

Section 3105.26, as amended by Ordinance No. 1104-94, passed June 13, 1994, and

Section 3111.04, as enacted by Ordinance No. 1116-A-85, passed February 10, 1986

are hereby repealed.

**Section 3.** That Chapter 3111 of the Codified Ordinances of Cleveland, Ohio, 1976 is hereby renamed to "Ohio Building Code".

**Section 4.** That Sections 3121.01 and 3121.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended, respectively, by Ordinance No. 1116-A-85, passed February 10, 1986, and 806-90, passed June 11, 1990, are hereby repealed.

**Section 5.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 3121.01 and 3121.02 to read, respectively, as follows:

**Chapter 3121**  
**Residential Occupancy**  
**(Ohio Residential Code for One, Two and Three Family Dwellings - ORC 123)**

**Section 3121.01 Adoption of Ohio Residential Code for One, Two and Three Family Dwellings (ORC 123)**

Under provisions of RC 731.231, there is adopted for the purpose of establishing rules and regulations for the construction, alteration and maintenance of detached one, two, and three family dwellings and one-family townhouses not more than three stories in height with not more than nine (9) connected units and their accessory structures the 1999 edition of the "Ohio Residential Code for One, Two and Three Fam-

ily Dwellings" promulgated by the Ohio Building Officials Association (OBOA), and as thereafter amended by OBOA, is hereby adopted and incorporated by the City of Cleveland as fully as if set out at length herein. The Ohio Residential Code contains all Chapters and all Appendices in their entirety, unless otherwise modified, deleted or amended herein. A complete copy of such Code shall be kept of file at the Office of the Clerk of Council, the Office of the Commissioner of Building and Housing and in the Cleveland Public Administration Library.

**Section 3121.02 Amendments to Code**  
The following sections of the Ohio Residential Code for One, Two and Three Family Dwellings (ORC123) are amended for this Building Code as follows:

(a) Reserved  
(b) Section 103 Scope  
103.1 Application. The provisions of this code apply to the construction, addition, prefabrication, alteration, repair, use, occupancy and maintenance of one, two, and three family dwellings and one-family townhouses not more than three stories in height with not more than nine (9) connected units and their accessory structures. Compliance with the requirements of this code shall be permitted to be considered as prima facie evidence of compliance with this Building Code.

103.2. No more than nine (9) townhouse units may be continuously connected to be regulated by this Code. Any structure with more than nine (9) continuously connected townhouses shall be regulated by the Ohio Building Code for R-3 structures.

(c) Section 105 Entry - This section shall be deleted and shall be governed by section 3103.04 of this Building Code.

(d) Section 106 Violations and Penalties - This section shall be deleted and shall be governed by Section 3103.25 and 3103.99 of this Building Code.

(e) Section 107 Right of Appeal - This section shall be deleted and shall be governed by Section 3103.20 of this Building Code.

(f) Section 108 Alternate Materials and Systems

This section shall be deleted and Chapter 3103 of this Building Code and Section 326 of this code shall be applicable.

(g) Section 109 Modifications  
This section shall be deleted and Section 3103.18 Exceptions and Variations of this Building Code shall be applicable.

(h) Section 111 Permit - This entire section shall be deleted and shall be governed by Chapter 3105 of this Building Code.

(i) Section 114 Prefabricated Construction - All prefabricated construction which falls under the definition of industrialized units as defined by OBC shall be governed by the applicable provisions of OBC. Manufactured housing shall comply with Appendix A of ORC123 and Chapter 3169 of this Building Code.

(j) Section 115 Swimming Pools, Spas and Hot Tubs

115.1 General Provisions for swimming pools, spas, and hot tubs are contained in Appendix B and shall be enforced as a part of this code with the following additions:

B101.1 Applicability. The provisions of this appendix shall control the design and construction of private swimming pools, spas and hot

tubs installed in or on the lot of a one-, two- or three-family dwelling.

B101.2 Approval. No permit shall be issued by the Commissioner of Building and Housing until the application has been submitted to and approved by the Commissioner of Health in regards to method of disinfection and bacterial treatment to be used and the type and range of water testing equipment.

B101.3 Location on lot. Swimming pools, spas and hot tubs shall be located on the lot so as not to create a nuisance to adjoining properties.

B101.4 Security. Access to private swimming pools, spas and hot tubs shall be made by provision of a barrier as defined in Section B105.

B101.5 Related Codes: The installation of private swimming pools, spas and hot tubs shall conform to all applicable provisions of the National Electric Code and this Building Code. Technical standards that apply are set forth in Section B106 Standards.

(k) Section 116 Certificate of Occupancy Approval Form

116.1 Record required. The permit holder or his agent shall post the Certificate of Occupancy Approval Form on the job site in an accessible and conspicuous place to allow the building official to make the required entries. The record shall be maintained by the permit holder until all final inspections have been made and approved and the Certificate of Occupancy Approval Form has been submitted to the Commissioner. Upon issuance of a Certificate of Occupancy, the premises may be occupied.

(l) Section 118 Stop Work Orders  
This section shall be deleted and shall be governed by applicable sections of Chapter 3103 of this Building Code.

(m) Section 119.1 Energy Conservation

119.1 General - Provisions for energy conservation are contained in Appendix C and shall be enforced as part of this Building Code.

(n) Section 202 General Building Definitions. Delete "Family" and "Manufactured Home".

(o) Section 301.2.2 Cleveland Requirements

Climatic and Geographic Design Criteria shall be Zone 8 in Table 301.2(1); Basic Wind Speed (mph) shall be 90 in Table 301.2(2).

(p) SECTION 309 PRIVATE GARAGES & DETACHED ACCESSORY STRUCTURES

309.4 Detached Accessory Structures

309.4.1 Definition: A detached accessory structure is defined as a subordinate structure to a main structure. A detached accessory structure may be a private garage not over 650 square feet or any of the following structures not exceeding 1000 square feet: private stable or barn, shelter, shed, garden houses and similar structures for utilitarian or decorative purposes and not intended for human occupancy, and not classified as a hazardous use. Private garages shall be limited to the storage of no more than three (3) passenger automobiles or of trucks not exceeding 1 1/2 ton capacity with gasoline or other volatile flammable fuel in their storage tanks.

309.5 Height and Area Restrictions  
309.5.1 The height and area of detached accessory structures shall be restricted by applicable provisions of the Zoning Code.

309.5.2 Detached Accessory Structures shall be constructed of materials consistent with this Building Code for the intended use and location of the structure.

309.6 Protection of Openings

309.6.1 No protection of vertical openings shall be required of detached accessory structures.

309.6.2 Exterior walls of detached accessory structures are not required to be fire-rated, however no exterior openings shall be permitted in any walls of detached accessory structures situated less than three (3') feet from a property line.

(q) 320 Dwelling Unit Separation

320.1 Two and Three-family dwellings. Dwelling units in two-family and three-family dwellings shall be separated from each other by wall and/or floor assemblies of not less than 1-hour fire resistance rating when tested in accordance with ASTM E 119. Fire-resistance rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing.

320.1.1 Supporting construction. Section remains unchanged

(r) Section 403 Footings

403.1.2.1 Footings for detached accessory structures limited to a single story and not greater than 650 square feet shall extend no less than twelve inches (12") below grade and extend no less than 8" above grade and shall be no less than eight inches (8") thick.

(s) Section 806 Roof Ventilation

806.1 Ventilation required. Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of the roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Ventilating openings shall be provided with corrosion-resistant material, with the least dimension being 1/8 inch (3.2 mm.)

(t) Section 1003 Masonry Fireplaces

1003.16 Dampers. Each fireplace shall be constructed with a metal damper capable of effectively closing the flue passage.

**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.

Adopted May 13, 2002.

Effective May 20, 2002.

**Ord. No. 123-02.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with AirSports Aviation Ltd., an Ohio Limited Liability Company, for use as a retail sales space and for general office and storage at Burke Lakefront Airport.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordina-

nances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession for a period of one year with AirSports Aviation Ltd., an Ohio Limited Liability Company for the use and occupancy of approximately eight hundred fifty-seven square feet of space in Suites 182 and 182A for the sale of pilot supplies and gifts to the public and approximately eight hundred and twenty-six square feet of office space and storage in Suite 108 at Burke Lakefront Airport. The rental for all areas shall be determined at a rate of \$12.00 per square foot, and shall be paid at mutually agreed intervals. The term shall commence on the date of execution of the Agreement and, unless sooner terminated, shall expire one year thereafter. Any change in square footage shall be subject to approval of the Board of Control.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

Passed May 13, 2002.

Effective May 20, 2002.

**Ord. No. 215-02.**

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

**An emergency ordinance authorizing the Director of Port Control to execute easements granting to The Cleveland Electric Illuminating Company certain easement rights in property located in Cleveland necessary to effect the Brookpark Road relocation project and declaring said easement rights no longer needed for public use; proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee and authorizing the Director of Port Control to apply to the bond trustee for land release.**

Whereas, The Cleveland Electric Illuminating Company has requested the Director of Port Control to convey certain easement rights in property located in Cleveland necessary to effect the Brookpark Road relocation project; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

The Cleveland Electric Illuminating Company Brookpark Road Relocation (NASA 34 kV Project) Electric Line Easement

City of Cleveland (Grantor)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Rockport Township Section No. 4. Also being a part of the lands conveyed to the City of Cleveland as recorded in Volume 6010 Pages 487-491 of the Cuyahoga County Deed Records, being more definitely described as follows:

Commencing at an iron pin in a monument box found at the intersection of the centerline of Old Grayton Road and the centerline of Brookpark Road;

Thence, along the proposed centerline of Relocated Brookpark Road, South 89° 45' 56" East, 0.78 feet;

Thence, continuing along said proposed centerline, along the arc of a curve which deflects to the left, 293.11 feet, said curve having a radius of 674.07 feet, a delta of 24° 54' 52" and a chord of 290.81 feet which bears North 77° 15' 53" East;

Thence, leaving said proposed centerline, North 25° 11' 33" West, 50.00 feet to an iron pin set in the Northerly proposed right of way of Relocated Brookpark Road and the True Point of Beginning for the parcel herein described;

Thence, along said proposed right of way, along the arc of a curve which deflects to the right, 26.04 feet, said curve having a radius of 25.00 feet, a delta of 59° 41' 00" and a chord of 24.88 feet which bears North 85° 21' 03" West;

Thence, leaving said proposed right of way, along the arc of a curve which deflects to the left, 90.94 feet, said curve having a radius of 612.07 feet, a delta of 8° 30' 48" and a chord of 90.86 feet which bears North 62° 34' 17" East; Thence North 58° 18' 53" East, 15.37 feet;

Thence South 31° 41' 07" East, 6.00 feet;

Thence North 58° 18' 53" East, 796.64 feet;

Thence, along the arc of a curve which deflects to the right, 16.83 feet, said curve having a radius of 730.07, a delta of 1° 19' 15" and a chord of 16.83 feet which bears North 58° 58' 31" East;

Thence North 30° 21' 52" West, 6.00 feet;

Thence, along the arc of a curve which deflects to the right, 78.64 feet to the Southerly line of lands conveyed to The Ullrich Family Limited Partnership as recorded in Volume 97-07511 Page 6 of the Cuyahoga County Official Records, said curve having a radius of 736.07 feet, a delta of 6° 07' 18" and a chord 78.61 feet which bears North 62° 41' 47" East;

Thence, along Ullrich's Southerly line, South 89° 24' 17" East, 29.77 feet to an iron pin set in the Northerly proposed right of way of Relocated Brookpark Road.

Thence, leaving Ullrich's Southerly line, along said proposed right of way, along the arc of a curve which deflects to the left, a distance of 121.07 feet to a PK nail set, said curve having a radius of 724.07 feet, a delta of 09° 34' 50" and a chord of 120.93 feet which bears South 63° 06' 18" West;

Thence, South 58° 18' 53" West, 812.01 feet, to an iron pin set;

Thence, along the arc of a curve which deflects to the right, 70.72 feet to the point of beginning, said curve having a radius of 624.07 feet, a delta of 06° 29' 33" and a chord of 70.68 feet which bears South 61° 33' 40" West.

Containing within said bounds 0.1649 acres (7,185 square feet) of land.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone "Grid North" NAD83 (1995).

#### City of Cleveland (Grantor)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Rockport Township Section No. 4 and No. 3. Also being a part of Orchard Glen Subdivision Volume 62 Page 12 and West Lawn Subdivision Volume 70 Page 28 of the Cuyahoga County Map Records, being more definitely described as follows:

Commencing at an iron pin in a monument box found at the intersection of the centerline of Old Grayton Road and the centerline of Brookpark Road;

Thence, along said centerline of Brookpark Road, South 89° 43' 19" West, 704.03 feet to the Southeastly corner of lands conveyed to the United States of America as recorded in Volume 8041 Page 262 of the Cuyahoga County Deed Records;

Thence, leaving said centerline, along United States of America's Easterly line, also being the Corporation line between the City of Cleveland and the City of Fairview Park, North 00° 36' 32" West, 50.00 feet to the Northerly right of way of Brookpark Road and the True Point of Beginning for the parcel herein described, and passing through a 1/2" iron pin with a cap inscribed "Wheeler & Melena" at 49.71 feet;

Thence, continuing along United States of America's Easterly line, North 00° 36' 32" West, 6.00 feet;

Thence, leaving United States of America's Easterly line, North 89° 43' 19" East, 705.48 feet;

Thence, along the arc of a curve which deflects to the left, 149.81 feet to the Westerly proposed right of way of Relocated Old Grayton Road, said curve having a radius of 618.06 feet, a delta of 13° 53' 17" and a chord of 149.45 feet which bears North 82° 44' 43" East;

Thence, along said proposed right of way, along the arc of a curve which deflects to the right, 25.76 feet to an iron pin set in the Northerly proposed right of way of Relocated Brookpark Road, said curve having a radius of 50.00 feet, a delta of 29° 31' 15" and a chord of 25.48 feet which bears South 63° 19' 31" West;

Thence, leaving said proposed right of way of Relocated Old Grayton Road, along said proposed right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the right, a distance of 126.39 feet to an iron pin set in the Northerly existing right of way of Brookpark Road, said curve having a radius of 624.06 feet, a delta of 11° 36' 14" and a chord of 126.17 feet which bears South 83° 53' 15" West;

Thence, leaving said proposed right of way of Relocated Brookpark Road, along said existing right

of way of Brookpark Road, South 89° 43' 19" West, 705.45 feet to the point of beginning.

Containing within said bounds 0.1168 acres (5,087 square feet) of land.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone "Grid North" NAD83 (1995)

#### City of Cleveland (Grantor)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Rockport Township Section No. 4 and No. 3. Also being a part of Orchard Glen Subdivision Volume 62 Page 12 and West Lawn Subdivision Volume 70 Page 28 of the Cuyahoga County Map Records, being more definitely described as follows:

Commencing at an iron pin in a monument box found at the intersection of the centerline of Relocated Grayton Road and the centerline of Brookpark Road;

Thence, along said centerline of Brookpark Road, North 89° 54' 00" East, 120.00 feet;

Thence, leaving said centerline, North 00° 05' 29" West, 50.00 feet to the intersection of the Northerly right of way of Brookpark Road and the Easterly right of way of Relocated Grayton Road;

Thence, along said right of way of Relocated Grayton Road, North 00° 05' 29" West, 450.00 feet, said point is referenced by a 1/2" iron pin with a cap inscribed "Wheeler & Melena" found 0.13 feet North;

Thence, North 04° 38' 33" West, 161.33 feet to an iron pin set in the Northerly proposed right of way of Relocated Brookpark Road and the True Point of Beginning for the parcel herein described;

Thence, continuing along said right of way of Relocated Grayton Road, North 04° 38' 33" West, 6.03 feet;

Thence, leaving said right of way, South 88° 55' 58" East, 25.22 feet;

Thence North 01° 04' 02" East, 6.00 feet;

Thence South 88° 55' 58" East, 67.31 feet;

Thence, along the arc of a curve which deflects to the right, 52.21 feet, said curve having a radius of 1589.89 feet, a delta of 1° 52' 53" and a chord of 52.20 feet which bears South 87° 59' 32" East;

Thence South 01° 04' 02" West, 6.00 feet;

Thence, along the arc of a curve which deflects to the right, 415.26 feet, said curve having a radius of 1538.89 feet, a delta of 15° 01' 18" and a chord of 414.07 feet which bears South 79° 32' 01" East;

Thence South 72° 01' 22" East, 435.76 feet;

Thence North 17° 58' 38" East, 6.00 feet;

Thence South 72° 01' 22" East, 143.32 feet;

Thence South 17° 58' 38" West, 6.00 feet;

Thence South 72° 01' 22" East, 826.34 feet;

Thence North 17° 58' 38" East, 6.00 feet;

Thence South 72° 01' 22" East, 71.86;

Thence, along the arc of a curve which deflects to the left, 58.52 feet, said curve having a radius of 1465.89 feet, a delta of 2° 17' 14" and a chord of 58.51 feet which bears South 73° 09' 50" East;

Thence South 15° 41' 33" West, 6.00 feet;

Thence, along the arc of a curve which deflects to the left, 405.77 feet, said curve having a radius of 1471.89 feet, a delta of 15° 47' 43" and a chord of 404.49 feet which bears South 82° 12' 18" East;

Thence North 89° 53' 59" East, 264.76 feet;

Thence North 85° 00' 43" East, 107.51 feet;

Thence South 89° 59' 17" East, 8.75 feet to the Westerly right of way of Riverside Drive;

Thence, along said right of way, South 24° 24' 35" West, 16.64 feet to the Northerly right of way of Brookpark Road;

Thence, along said right of way of Brookpark Road, South 89° 54' 00" West, 373.85 feet to an iron pin set in the Northerly proposed right of way of Relocated Brookpark Road;

Thence, leaving the right of way of Brookpark Road, along said proposed right of way of Relocated Brookpark Road, along the arc of a curve which deflects to the right, a distance of 466.29 feet to an iron pin set, said curve having a radius of 1477.89 feet, a delta of 18° 04' 39" and a chord of 464.36 feet which bears North 81° 03' 33" West;

Thence, North 72° 01' 22" West, 1477.28 feet to an iron pin set;

Thence, along the arc of a curve which deflects to the left, a distance of 465.9 feet to an iron pin set, said curve having a radius of 1577.89 feet, a delta of 16° 54' 36" and a chord of 464.00 feet which bears North 80° 28' 40" West;

Thence, North 88° 55' 58" West, 92.43 feet to the point of beginning;

Containing within said bounds 0.4632 acres (20,177 square feet) of land.

All iron pins set are 5/8" x 30" capped rebar inscribed "KS ASSOCS INC PROP MARKER".

Bearings are based on Ohio State Plane, North Zone "Grid North" NAD83 (1995).

#### City of Cleveland (Grantor)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Rockport Township Section No. 3. Also being a part of the lands conveyed to the City of Cleveland as recorded in Instrument No. 199904061116 of the Cuyahoga County Land Records, being more definitely described as follows:

Commencing at the intersection of the centerline of Riverside Drive and the centerline Brookpark Road, also being the Southerly line of said Rockport Township Section No. 3;

Thence, along said centerline of Brookpark Road, South 89° 59' 11" East, 38.43;

Thence, leaving said centerline, North 24° 24' 35" East, 32.94 feet to the intersection of the Northerly right of way of Brookpark Road and the Easterly right of way of Riverside Drive and the True Point of Beginning for the parcel herein described;

Thence, along said right of way of Riverside Drive, North 24° 24' 35" East, 17.66 feet;

Thence, leaving said right of way, South 89° 59' 11" East, 111.89 feet;

Thence North 85° 00' 49" East, 138.69 feet to Westerly limited access line of Relocated Rocky River Drive;

Thence, along said limited access line, South 00° 00' 49" West, 10.04 feet;

Thence, leaving said limited access line, South 85° 00' 49" West, 208.09 feet to the Northerly right of way of Brookpark Road;

Thence, along said right of way, North 89° 59' 11" West, 50.04 feet to the point of beginning;

Containing within said bounds 0.0697 acres (3,036 square feet) of land.

Bearings are based on Ohio State Plane, North Zone "Grid North" NAD83 (1995).

**Section 2.** That the easements shall be nonexclusive and the purpose of the easements shall be to construct, maintain and operate underground electric and communication cables, ducts, conduits and other facilities necessary for distributing and transmitting electricity and communications systems necessary as part of the Brookpark Road relocation project.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described, non-exclusive easement interests to The Cleveland Electric Illuminating Company at a price not less than fair market value as determined by the Board of Control.

**Section 4.** That the duration of the easements shall be perpetual but shall revert to the City if abandoned by the Cleveland Electric Illuminating Company; that the easements shall include reasonable right of entry rights to the City; that the easement shall be assignable only through the legislative authority of Cleveland City Council; that the easements shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easements, and pay any applicable taxes and assessments.

**Section 5.** That the conveyances referred to above shall be made by Official Deeds of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deeds of Easement shall contain such additional terms and conditions as are required to protect the interests of the City. The Directors of Law and Port Control are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the improvements within the property described herein.

**Section 6.** That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended (the "Indenture"), that the City desires and requests that certain portions of its land heretofore subject to the Indenture be released and removed from all obligations under said Indenture. Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of providing public utilities; and that certain public improvements will be constructed on the land to be released, including public utilities.

**Section 7.** That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land described herein, pursuant to the Indenture.

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

Passed May 13, 2002.

Effective May 20, 2002.

**Ord. No. 221-02.**  
**By Councilmen Cintron, Gordon, Cimperman and Jackson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4114 Franklin Boulevard to David A. Lechner and Diane K. Lechner.**

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), 003-25-070, as more fully described below, to David A. Lechner and Diane K. Lechner.

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

P.P. No. 003-25-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in the Franklin Allotment of Sublot No. 97 in the Taylor Farm Allotment and Sublot Nos. 92, 93, 106, 107 and 110 in the Perkins Allotment of part of Original Brooklyn Township Lot No. 51, as shown by the recorded plat in Volume 3 of Maps, Page 11 of Cuyahoga County Records, and being 40 feet front on the Northwesterly side of Frank Boulevard, N.W. (formerly Franklin Avenue), and extending back about 150 feet on the Easterly line, 160 feet 7 inches on the Westerly line, and having a irregular line of 40 feet 11 inches (said rear line being also the Southeasterly line of Vine Court, N.W.) as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months

of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed May 13, 2002.

Effective May 20, 2002.

**Ord. No. 348-02.**  
**By Councilmen Westbrook and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with American Airlines, Inc. for operation of a cargo facility at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with American Airlines, Inc. for the use and occupancy of approximately 11,591 square feet of space in the former United Cargo building at Cleveland Hopkins International Airport in connection with its operation of a cargo facility, for a term of one (1) year with four one-year options which may be requested by American Airlines, Inc. upon ninety (90) days written notice to the Director of Port Control prior to the expiration of the initial term or then current option term. Any such request shall be approved or rejected by the Director of Port Control. The rent for the first year shall be determined at a rate of \$7.00 per square foot. The rent for each and every option year exercised shall be adjusted with the National Consumer Price Index ("CPI") but said rent shall never be less than \$7.00 per square foot during any option term. As used in this section, "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United

States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch of department of the Federal government.

The term shall commence on the date of execution of the Agreement.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 349-02.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with American Airlines, Inc. for operation of a ground service equipment service facility at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with American Airlines, Inc. for the use and occupancy of approximately 5,800 square feet of space in the former BP ProCare building at Cleveland Hopkins International Airport in connection with its operation of a ground service equipment service facility, for a term of one (1) year with four one-year options which may be requested by American Airlines, Inc. upon ninety (90) days written notice to the Director of Port Control prior to the expiration of the initial term or then current option term. Any such request shall be approved or rejected by the Director of Port Control. The rent for the first year shall be determined at a rate of \$7.50 per square foot. The rent for each and every option year exercised shall be adjusted with the National Consumer Price Index ("CPI") but said rent shall never be less than \$7.50 per square foot. As used in this section, "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch of department of the Federal government.

The term shall commence on the date of execution of the Agreement.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 350-02.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Global Ground Services, Inc., dba Servisair for operation of a cargo facility at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is hereby authorized to enter into a Lease By Way of Concession with Global Ground Services, Inc., dba Servisair for the use and occupancy of approximately 16,000 square feet of space in the former United Cargo building at Cleveland Hopkins International Airport in connection with its operation of a cargo facility, for a term of three (3) years with one three-year option which may be requested by Global Ground Services, Inc. dba Servisair upon ninety (90) days written notice to the Director of Port Control prior to the expiration of the initial term. Any such request shall be approved or rejected by the Director of Port Control. The rent for the first year shall be determined at a rate of \$7.00 per square foot. The rent for each and every subsequent year of the initial term, and each and every year of the option term shall be adjusted with the National Consumer Price Index ("CPI") but said rent shall never be less than \$7.00 per square foot. As used in this section, "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch of department of the Federal government.

The term shall commence on the date of execution of the Agreement.

**Section 2.** That the Lease By Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 367-02.**

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

**An emergency ordinance to authorize the Clerk of the Cleveland Municipal Court to exercise an option to renew Contract No. 57031 with Affiliated Computer Services, Inc., formerly Lockheed-Martin IMS, for the purchase of professional services for the processing of parking infraction tickets and collection of fines, for the Clerk of the Cleveland Municipal Court.**

Whereas, Ordinance No. 515-2000, passed June 1, 2000, authorized the Clerk of the Cleveland Municipal Court to enter into contract with Lockheed-Martin IMS, now Affiliated Computer Systems, Inc., d.b.a., ACS State and Local Solutions, Inc. ("ACS"), for the purchase by requirement contract of professional services for the processing of parking infraction tickets and the collection of fines; and

Whereas, Ordinance No. 515-2000 requires further legislative authority prior to exercising the options to renew Contract No. 57031 with ACS; and

Whereas, the Council desires to grant authority to exercise an option to renew Contract No. 57031 with ACS; and

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

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

**Section 1.** That notwithstanding any provision of Ordinance No. 515-2000, passed June 1, 2000 to the contrary, the Clerk of the Cleveland Municipal Court is hereby authorized to exercise the first option to renew Contract No. 57031, for an additional two-year term, with Affiliated Computer Systems, Inc., d.b.a., ACS State and Local Solutions, Inc., for professional services for the processing of parking infraction tickets and the collection of fines. This ordinance constitutes the additional legislative authority required by Section 1 of Ordinance No. 515-2000, passed June 1, 2000, to exercise this option. At the expiration of the contract term as extended by said first option to renew, Contract No. 57031 shall expire.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 481-02.**

**By Councilmen Westbrook, Brady, Sweeney, Cimperman and Jackson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of rehabilitating a portion of Western Avenue between West 117th Street and West Boulevard; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to employ one or more professional consultants to design the improvement and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.**



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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating a portion of Western Avenue between West 117th Street and West Boulevard, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That, provided the City of Cleveland sells the 2002 general obligation bonds authorized for this purpose and provided that the City of Cleveland receives the proceeds of the Ohio Public Works Commission grant authorized by Ordinance No. 1857-01, the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That, provided the City of Cleveland sells the 2002 general obligation bonds authorized for this purpose and provided that the City of Cleveland receives the proceeds of the Ohio Public Works grant authorized by Ordinance No. 1857-01, the Director of Public Service is hereby authorized to employ by contract one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

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

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

**Section 4.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improve-

ment. The consideration to be paid for such property shall not exceed its appraised value.

**Section 5.** That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

**Section 6.** That the cost of said improvement and property acquisition and services hereby authorized shall be paid from Fund Nos. 11 SF 006, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 52 SF 001, 54 SF 001, 58 SF 001, from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued in 2002 for the purpose which includes the above project, and from the fund or funds to which are credited the proceeds of the Ohio Public Works grant authorized by Ordinance No. 1857-01, Request No. 113850.

**Section 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 482-02.**  
**By Councilmen Jackson, Reed, Sweeney and Cimperman (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of rehabilitating a portion of Kinsman Road between East 93rd Street and the eastern corporation line; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to employ one or more professional consultants to design the improvement; authorizing said Director to enter into a Local Project Administration agreement with the Ohio Department of Transportation regarding the public improvement; and authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Transportation to partially finance the public improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating a portion of Kinsman Road between East 93rd Street and the eastern corporation line, for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That, provided the City of Cleveland sells the 2002 general obligation bonds authorized for this purpose and provided that the City of Cleveland receives the proceeds

of any grant funds authorized for this purpose, the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement provided however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That, provided the City of Cleveland sells the 2002 general obligation bonds authorized for this purpose and provided that the City of Cleveland receives the proceeds of any grant funds received for this purpose, the Director of Public Service is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the public improvement authorized above.

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

**Section 4.** That the Director of Public Service is hereby authorized to apply for and accept a grant in the estimated amount of \$696,000.00, from the Ohio Department of Transportation for economic assistance necessary to partially finance the Improvement described herein; that the Director of Public Service is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for this purpose.

**Section 5.** That the Director of Public Service is authorized to enter into a Local Project Administration Agreement with the Director of Transportation necessary to effect the Improvement.

**Section 6.** That the cost of said improvement and services hereby authorized shall be paid from Fund Nos. 11 SF 006, 20 SF 181, 20 SF 190, 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, 20 SF 342, 20 SF 353, 20 SF 364, 20 SF 373, 20 SF 380, 52 SF 001, 54 SF 001, 58 SF 001, from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued in 2002 authorized for this purpose, from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and are appropriated for this purpose, and from the fund or funds to which are credited the proceeds of the Ohio Public Works Commission grant authorized by Ordinance No. 1857-01, Request No. 113853.

**Section 7.** That the Clerk of Council is hereby authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 588-02.**

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

**An emergency ordinance to amend the title, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, as amended by various ordinances, relating to the public improvement of rehabilitating sewers on Westpark Road and Lydian Avenue.**

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

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

**Section 1.** That the title, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, as amended by Ordinance Nos. 1590-2000, passed November 27, 2000, and 707-01, passed June 11, 2001, are hereby amended to read, respectively, as follows:

An emergency ordinance determining the method of making the public improvement of rehabilitating the Westpark Road and Lydian Avenue sewers, including water mains, connectors, aprons, curbs and pavement, as necessary, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Westpark Road sewer between Rocky River Drive and Lydian Avenue between Westpark Road and West 155th Street, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund Nos. 10 SF 166, 52 SF 001, 54 SF 001 and from any fund or funds to which are credited any allocations received from the Northeast Ohio Regional Sewer District to contribute to the cost of this improvement.

**Section 2.** That the existing title, Section 1 and Section 3 of Ordinance No. 1000-2000, passed June 19, 2000, as amended by Ordinance Nos. 1590-2000, passed November 27, 2000, and 707-01, passed June 11, 2001, are hereby repealed.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 593-02.**

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

**An emergency ordinance authorizing the purchase by requirement contract of ground applications necessary to control adult mosquitoes, for the Division of Environment, Department of Public Health.**

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

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

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

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 121426)

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 600-02.**

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

**An emergency ordinance to amend Section 3 of Ordinance No. 709-01, passed July 18, 2001, relating to a contract with Vocational Guidance Services for economic development assistance to partially finance land acquisition, purchase of machinery, equipment and fixtures, the construction of a new building at East 55th Street and Longfellow Avenue, and to make building improvements at 2239 East 55th Street.**

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

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

**Section 1.** That Section 3 of Ordinance No. 709-01, passed July 18, 2001, is hereby amended to read as follows:

**Section 3.** That the terms of said loan and grant shall be in accordance with the terms as set forth in the Summary contained in File No. 709-01-B.

**Section 2.** That existing Section 3 of Ordinance No. 709-01, passed July 18, 2001, is hereby repealed.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 680-02.**

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

**An emergency ordinance authorizing the purchase by requirement contract of burials for indigent dead, for the Division of Health, Department of Public Health, for a period not to exceed one year.**

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

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

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

**Section 2.** That the cost of said contract shall not exceed \$30,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 121427)

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

Passed May 13, 2002.  
Effective May 20, 2002.

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**Ord. No. 722-02.**  
**By Councilman Jackson (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 343-02, passed April 1, 2002, relating to a requirement contract of ready mix concrete, for the various divisions of City government.**

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

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

**Section 1.** That Section 2 of Ordinance No. 343-02, passed April 1, 2002, is hereby amended to read as follows:

Section 2. That the cost of said contract shall not exceed \$3,000,000.00 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 104706)

**Section 2.** That existing Section 2 of Ordinance No. 343-02, passed April 1, 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.

Passed May 13, 2002.  
Effective May 20, 2002.

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**Ord. No. 758-02.**  
**By Councilmen Coats and Jackson (by departmental request).**

**An emergency ordinance to amend the title of Ordinance No. 2367-01, passed March 11, 2002, and to supplement said ordinance by adding new Sections 4, 5 and 6; and to renumber existing Section 4 to new Section 7, relating to the public**

**improvement of constructing the Nottingham Chemical Project, rehabilitating the discharge headers for the Nottingham finished water pump station and remediating erosion affecting the Nottingham Water Plant in portions of the Euclid Creek Reservation, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

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

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

**Section 1.** That the title of Ordinance No. 2367-01, passed March 11, 2002, is hereby amended to read as follows:

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to finance portions of the Nottingham Chemical Project; determining the method of making the public improvement of constructing the Nottingham Chemical Project, rehabilitating the discharge headers for the Nottingham finished water pump station and remediating erosion affecting the Nottingham Water Plant in portions of the Euclid Creek Reservation, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Section 2.** That the existing title of Ordinance No. 2367-01, passed March 11, 2002, is hereby repealed.

**Section 3.** That Ordinance No. 2367-01, passed March 11, 2002, is hereby supplemented by adding new Sections 4, 5, and 6 thereof, to read, respectively, as follows:

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the Nottingham Chemical Project, rehabilitating the discharge headers for the Nottingham finished water pump station and remediating erosion affecting the Nottingham Water Plant in portions of the Euclid Creek Reservation (the "Improvement"), for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

Section 5. That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the Improvement provided however, that each separate trade and each distinct component part of said Improvement may be treated as a separate Improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said Improvement.

Section 6. That the cost of said Improvement hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225, 52 SF 227, from the fund or funds to which are credited the proceeds of the sale of

future waterworks revenue bonds issued for this purpose, and from the fund or funds to which are credited the loan proceeds received pursuant to the authority of Ordinance No. 2367-01, passed March 11, 2002, Request No. 114463.

**Section 4.** That Section 4 of Ordinance No. 2367-01, passed March 11, 2002, is hereby renumbered to new "Section 7".

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

Passed May 13, 2002.  
Effective May 20, 2002.

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**Ord. No. 759-02.**  
**By Councilmen Coats and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a grant from the U.S. Environmental Protection Agency for the Water Security Grant; and authorizing the said Director to employ consultants to provide professional services necessary to develop and perform a security assessment, planning and vulnerability assessment of publicly-owned drinking water facilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to apply for and accept a grant in the amount of \$115,000, from the U.S. Environmental Protection Agency, to conduct the Water Security Grant, for the purposes set forth in the application and according thereto; that the Director of Public Utilities is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 759-02-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Utilities is hereby authorized to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop and perform a security assessment, planning and vulnerability assessment of publicly-owned drinking water facilities.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling

such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

**Section 4.** That the costs for such services herein contemplated shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance and are hereby appropriated for this purpose.

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

Passed May 13, 2002.

Effective May 20, 2002.

**Ord. No. 768-02.**

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

**An emergency ordinance authorizing the Director of Public Health to lease property known as 23600 Mercantile Road, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.**

Whereas, the City of Cleveland requires certain space located at 23600 Mercantile Road, in Beechwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections; and

Whereas, Mercantile Associates has proposed to lease said space to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mercantile Associates certain space more fully described as follows:

approximately 5,400 square feet of space located at 23600 Mercantile Road, Beechwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas ("Premises").

**Section 2.** That the term of the lease authorized by this ordinance shall not exceed one year, and shall include authority to the Director of Public Health to cancel this lease upon a 60-day notice, prior to the one year term, by written notification to Mercantile Associates.

**Section 3.** That the rent for the lease authorized by this ordinance shall be a base rate of \$3,000 per month, exclusive of utilities. The City of Cleveland shall also pay

5.4% of the cost of the Common Area Maintenance expenses for 23500-23600 Mercantile Road.

**Section 4.** That the lease may authorize the City to make improvements to the lease premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

**Section 5.** That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

**Section 6.** That the costs of the lease shall be paid from Fund No. 17 SF 684, Request No. 103553.

**Section 7.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 8.** That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 9.** That the Director of Public Health shall review the feasibility of renovating the House of Corrections to add storage space. The Director of Public Health shall provide a summary of this review to the Public Health Committee ninety (90) days after the effective date of this ordinance.

**Section 10.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 13, 2002.

Effective May 20, 2002.

**Ord. No. 769-02.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 2002-03 Center Point/Student Assistance/Drug Prevention Program; and to enter into contract for the lease of facilities needed to implement the program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$497,884, and any other funds as they become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County, to conduct the 2002-03 Center Point/Student Assistance/Drug Prevention Program, for the purposes set forth in the summary and according thereto; that the Director

of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the summary for said grant.

**Section 2.** That the summary for said grant, File No. 769-02-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$15,000, to be paid from Fund No. 01-500500-639905, is hereby approved in all respects.

**Section 3.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to lease a facility for the implementation of the grant. The term of the lease shall not exceed the grant period and shall be payable from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the purposes of the grant. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

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

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

**Section 4.** That the costs of the lease authorized herein shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to this ordinance and from the cash match identified above.

**Section 5.** That upon award and acceptance of the grant to conduct the 2002-2003 Center Point/Student Assistance/Drug Prevention Program, the Director of Public Health shall review the Student Assistance Program to determine the feasibility of providing drug prevention and educational services at Lincoln West and other schools in the Cleveland Municipal School District. Three (3) months after the acceptance of the grant funds, the Director of Public Health shall provide a report to the Public Health Committee summarizing this review.

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

Passed May 13, 2002.

Effective May 20, 2002

**Ord. No. 945-02.**

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

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairfax Renaissance Development Corporation to hang 19-location identification banners which will encroach into the right-of-way of Quincy Avenue between East 79th and East 93rd Streets.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council of the City of Cleveland, and assignable by the Permittee with the written consent of the Director of Public Service to the Fairfax Renaissance Development Corporation, 8520 Carnegie Avenue, Cleveland, Ohio 44106, their successors and assigns, to hang nineteen (19) location identification banners, using Cleveland Public Power ("C.P.P.") utility poles (by separate permission), and which banners will encroach into the public right-of-way of Quincy Avenue between East 79th and East 93rd Streets at the following locations:

<u>LOCATION OF BANNER</u>	<u>POLE</u>	<u>POLE OWNER:</u>
Eastside of E. 82nd b/t Quincy & Central Southeast corner of E. 79th & Quincy	E2-35-16-8-2  No. Number	C.P.P.  C.P.P.
South side of Quincy b/t E. 79th & E. 82nd Sts. South side of Quincy	E2-35-16-14	C.P.P.
b/t E. 79th & E. 82nd Sts. South side of Quincy	E2-35-16-13	C.P.P.
b/t E. 79th & E. 82nd Sts. South side of Quincy	E2-35-16-12	C.P.P.
b/t E. 79th & E. 82nd Sts. South side Quincy	E2-35-16-11	C.P.P.
b/t E. 79th & E. 82nd Sts. South side of Quincy	E2-35-16-10	C.P.P.
b/t E. 79th & E. 82nd Sts. South side of Quincy	E2-35-16-9	C.P.P.
b/t E. 82nd & E. 83rd Sts. South side Quincy	E2-36-16-8	C.P.P.
b/t E. 82nd & E. 83rd Sts. South side of Quincy	E2-36-16-7	C.P.P.
b/t E. 82nd & E. 83rd Sts. South side of Quincy	MELP 75420	C.P.P.
b/t E. 82nd & E. 83rd Sts. Southwest corner of E. 93rd & Quincy	E2-35-16-6	C.P.P.
Southwest corner of E. 93rd & Quincy	E2-25-19A	C.P.P.
South side of Quincy b/t E. 93rd & E. 90th Sts.	E2-25-19-1	C.P.P.
South side of Quincy b/t E. 93rd & E. 90th Sts.	E2-23-19-2	C.P.P.
South side of Quincy b/t E. 93 & E. 90th Sts.	E2-23-19-2	C.P.P.
South side of Quincy b/t E. 93 & E. 90th Sts.	E2-25-19-3	C.P.P.
South side of Quincy b/t E. 93rd & E. 90th Sts.	E2-25-19-4	C.P.P.
South side of Quincy b/t E. 90th & E. 89th Sts.	E2-25-19-6	C.P.P.
Southeast corner of E. 89th St. & Quincy	E2-25-19-7	C.P.P.

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

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

**Section 4.** That the Permittee herein authorized shall reserve reasonable right-of-entry to tile City of Cleveland; and that the Permit shall require the Permittee to provide Commercial General Liability Insurance including Completed Operations Coverage, and that Permittee shall maintain the permitted encroachment area, and that the Permittee shall pay any applicable taxes and assessments due and/or owing on the permitted encroachment area.

**Section 5.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed May 13, 2002.  
Effective May 20, 2002.

**Ord. No. 946-02.**  
**By Councilmen Conwell, Pierce Scott and Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard, and on Cedar Hill for the period of May 10, 2002 to June 15, 2002, inclusive publicizing "Parade the Circle Celebration".**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated, 10831 Magnolia Drive, Cleveland, Ohio 44106-1887, to install, maintain and remove banners located on Martin Luther King Jr. Drive (east of the Cleveland, Museum of Natural History), and on Stokes Boulevard and on Cedar Hill, for the period of May 10, 2002 to June 15, 2002, inclusive, publicizing "Parade the Circle Celebration". Said banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner, and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 13, 2002.  
 Effective May 20, 2002.

**Ord. No. 947-02.**  
**By Councilman Coats.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the JAMAA Knights Youth Association for a Football for Youth Program through the use of Ward 10 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the JAMAA Knights Youth Association for a Football for Youth Program, for the public purpose of providing a football program for Cleveland youth through the use of Ward 10 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$5,500 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 13, 2002.  
 Effective May 20, 2002.

**Ord. No. 948-02.**  
**By Councilman Scott.**  
**An emergency ordinance consenting and approving the issuance of a permit for the 12th Annual Miles Standish Miler Fun Run on June 4, 2002, (raindate: June 5, 2002), sponsored by the Miles Standish Elementary School.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 12th Annual Miles Standish Miler Fun Run, sponsored by the Miles Standish Elementary School, on June 4, 2002, (raindate: June 5, 2002), beginning at the school, 1000 East 92nd Street, west on Parkgate Road to East Boulevard to Parkside Road, north on Parkside Road to Parkgate Road, east on Parkgate Road and finish back at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 13, 2002.  
 Effective May 20, 2002.

**Ord. No. 949-02.**  
**By Councilman White.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the N-Joy Life Group for the implementation of the Youth 2 Youth Program through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the N-Joy Life Group for the implementation of the Youth 2 Youth Program, for the public purpose of educating Cleveland youth on the danger of drug, tobacco and alcohol use, through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 13, 2002.  
 Effective May 20, 2002.

**Ord. No. 950-02.**  
**By Councilman Zone.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Avenue, for the period from June 1, 2002 to June 24, 2002, inclusive, publicizing the Church Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit Avenue (Pole Nos. E 6 43 and E 5 4 dark brown light poles) and 7775 Detroit Avenue (Pole Nos. E 6 42 and E 5 5 dark brown light poles), for the period from June 1, 2002 to June 24, 2002, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 13, 2002.  
 Effective May 20, 2002.

**COUNCIL COMMITTEE MEETINGS**

**Monday, May 13, 2002**

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

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

**City Planning Committee (joint with Finance Committee): 1:30 p.m.** — Present: Cimperman, Chairman; Rybka, Vice Chairman; O'Malley, Conwell, Lewis. Excused: Scott, Westbrook.

**Finance Committee (joint with City Planning Committee): 1:30 p.m.** — Present: Jackson, Chairman; Sweeney, Vice Chairman; Gordon, Reed, White, O'Malley, Coats, Brady. Excused: Westbrook, Britt, Scott.

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

**Tuesday, May 21, 2002**

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

**Mayor's Appointment Committee: 11:00 a.m.** — Present: Coats, Chairman; Reed, Cintron, Westbrook, Scott.

**Wednesday, May 22, 2002**

**Aviation & Transportation Committee: 10:00 a.m.** — Present: Westbrook, Chairman; Sweeney, Vice Chairman; Dolan, Rybka, Gordon, Reed. Excused: Britt.

**Legislation Committee (joint with Public Safety Committee): 11:30 a.m.** — Present: White, Chairman; Scott, Vice Chairman; Gordon, Dolan, Westbrook, Rybka. Excused: Johnson.

**Public Safety Committee (joint with Legislation Committee): 11:30 a.m.** — Present: Reed, Chairman; Coats, Brady, Zone, White, Excused: Britt, Vice Chairman; Jones, Cimperman, Conwell.

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