

The City Record

Official Publication of the Council of the City of Cleveland



October the Fifteenth, Two Thousand and Three

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

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

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

MAYOR – Jane L. Campbell
Debra M. Janik, Chief of Staff
David M. McGuirk, Executive Assistant
Timothy Mueller, Executive Assistant
Craig Tame, Executive Assistant
Henry Guzman, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

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

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

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

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

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113
DIVISIONS: Architecture – Kurt Weibusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – 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 Ave.
DIVISIONS: Air Quality – Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Ave.

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

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

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

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Gina Routen, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Paul Volpe, Chair; Ted Sande, Vice Chair; James Gibans, India Pierce Lee, Robert Madison, Randall B. Shorr, Chris Ronayne, N. Kurt Weibusch, Council Member Joe Cimperman, Dwayne J. Simpson; Robert Keiser, Secretary.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 90

WEDNESDAY, OCTOBER 15, 2003

No. 4688

CITY COUNCIL

MONDAY, OCTOBER 13, 2003

The City Record

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, October 13, 2003

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, Jackson, Johnson, Lewis, O'Malley, Polensek, Reed, Rybka, Scott, Sweeney, Westbrook, White, Zone.

Also present were Mayor Campbell, Debra M. Jenik, Chief of Staff, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, N. Ronayne, Hudecek, Williams, Routen, Sims, Fumich, Taylor, Johnson, C. Ronayne, Acting Director Carroll, Wisham, Chief Public Affairs Officer; Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Reverend Sharon Hilton, of Faith Temple, located at 7038 Lexington Avenue, Cleveland, Ohio 44103 in Ward 7. Pledge of Allegiance.

MOTION

On the motion of Council Member Coats the reading of the minutes of the last meeting was dispensed with

and the journal approved. Seconded by Council Member Zone.

COMMUNICATION

File No. 1993-03.

From the Office of Equal Opportunity re: Certified MBEs and FBES, Reporting Period: Third Quarter, 2003. Received.

File No. 1994-03.

From the Office of Equal Opportunity re: MBE/FBE Deletions from OEO's Database, third quarter, 2003. Received.

File No. 1995-03.

From the Office of Equal Opportunity re: Denials of Certification — Third Quarter, 2003. Received.

File No. 1996-03.

From the Cleveland Foodbank — Food for Thought, Issue 37. Received.

File No. 1997-03.

From the Cleveland State University — Celebrating 25 Years, Maxine Goodman Levin College of Urban Affairs. Received.

File No. 1998-03.

From the Office of Purchases and Supplies re: Mayor's Emergency Requisitions/Purchase Orders — Repair of the Steam Pipe Leak at the Cleveland Convention Center. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 1999-03.

Re: New Application — 51901470005 — Omayra Luciaga, d.b.a. Yaucos Grocery, 3210 East 49th Street. (Ward 5). Received.

STATEMENT OF WORK ACCEPTED

File No. 2000-03.

From the Department of Public Utilities re: Contract No. 56081, Cochran Harper 24" Water Supply Main, completed and accepted as of July 20, 2003. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2001-03—Mary Elizabeth Hillard.

Res. No. 2002-03—Juanita Claudine Pollard.

Res. No. 2003-03—Blanton Harper, Sr.

Res. No. 2004-03—James Hamilton Giles.

Res. No. 2005-03 — Cleo Eckford Vaughns, Jr.

Res. No. 2006-03 — Thomas Cullinane.

Res. No. 2007-03—Jesse Wilson.

Res. No. 2008-03—Willie Tufts.

CONGRATULATION RESOLUTIONS

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

Res. No. 2009-03 — Rev. Melvin L. Kinniebrew.

Res. No. 2010-03 — First United Methodist Church of Cleveland.

Res. No. 2011-03 — St. Boniface Church.

Res. No. 2012-03—West Side United Church of Christ.

Res. No. 2013-03 — Lt. Thomas J. Walsh.

Res. No. 2014-03 — Det. Charles E. Benning, Sr.

Res. No. 2015-03—George Pofok.

RECOGNITION RESOLUTION

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

Res. No. 2016-03—Michael A. Winter.

APPRECIATION RESOLUTION

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

Res. No. 2017-03—Pastor Carl A. Salters and Evangelist First Lady Shirley Salters.

WELCOME RESOLUTION

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

Res. No. 2018-03—Lt. Governor Jenette Bradley.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1967-03.

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

An emergency ordinance authorizing the Director of Port Control to enter into a third amendment to the Lease By Way of Concession with Business Aircraft Center, Inc., formerly known as The Airplane Company Hangars, Inc., assignee of The Airplane Companies, Inc., City Contract No. 32625, for operation of a fixed base facility at Burke Lakefront Airport, to add certain premises to the real property leased, to adjust the minimum guaranteed rent charged; and to make leasehold improvements.

Whereas, under Ordinance No. 450-81, passed November 30, 1981, as amended by Ordinance No. 131-A-82, passed April 26, 1982, and further amended by Ordinance Nos. 2350-82, passed October 18, 1982, the Director of Port Control entered into a Lease By Way of Concession with The Airplane Companies, Inc., City Contract No. 32625, for the use of certain City-owned real property at Burke Lakefront Airport (the "Airport") for operation of a fixed base facility; and

Whereas, under Board of Control Resolution No. 656-82, adopted November 17, 1982, the City approved the assignment, for financial purposes, of Contract No. 32625 from The Airplane Companies, Inc. to The Airplane Company Hangars, Inc.; and

Whereas, under Ordinance No. 1608-83, passed June 27, 1983, and Ordinance No. 1427-84, passed December 15, 1985, the Director of Port Control entered into a first and second amendment to Contract No. 32625 with The Airplane Company Hangars, Inc. to modify certain terms of the original Lease; and

Whereas, The Airplane Company Hangars, Inc. is now known as Business Aircraft Center, Inc.; and

Whereas, additional modifications to City Contract No. 32625 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 Port Control is authorized to enter into a third amendment to the Lease By Way of Concession with The Airplane Company Hangars, Inc. now known as Business Aircraft Center, Inc. ("Business Aircraft"), City Contract No. 32625 as amended, to increase the premises granted under the contract, as amended, to include the following City-owned real property:

LEASE LOT NO. 3B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, within the boundary of Burke Lakefront Airport and further described as follows:

Beginning at the Westerly end of existing parallel Taxiway "G" and the centerline of said Taxiway "G" known as station 0 + 00;

Thence North 57° 53' 13" East, along the centerline of said Taxiway "G" to station 20 + 86.94;

Thence by rectangular measurement South 32° 06' 47" East, a distance of 112.50 feet to the Southerly edge of said Taxiway "G" obstacle free area and the principal place of beginning;

Thence continuing South 32° 06' 47" East, a distance of 466.45 feet to a point;

Thence South 44° 00' 58" West, a distance of 206.01 feet to a point;

Thence North 32° 06' 47" West, a distance of 515.84 feet to the Southerly edge of Taxiway "G" obstacle free area;

Thence North 57° 53' 13" East, along the Southerly edge of said Taxiway "G" obstacle free area a distance of 200.00 feet to the principal place of beginning, and containing 2.255 acres (98,229 square feet) of land, more or less.

Section 2. That the third amendment to Contract No. 32625 may authorize the City to allow Business Aircraft to make the following improvements to the leased premises, as amended:

a. Business Aircraft shall construct a thirty-nine thousand four hundred (39,400) square foot ramp area contiguous to its existing ramp area for aircraft parking and tiedown;

b. Business Aircraft shall expand the existing automobile parking lot by sixteen thousand eight hundred seventy-five (16,875) square feet; and

c. Business Aircraft shall widen its existing taxiway connector to seventy-five (75) feet and construct a new seventy-five (75) foot wide taxiway connector from the new ramp area to Taxiway G.

Section 3. That the third amendment to Contract No. 32625 shall provide that the annual rental for the leased premises identified in the second amendment shall remain the same.

The rent for the additional property authorized by this ordinance through a third amendment to Contract No. 32625 shall be as follows: for the years 2003 through 2008 shall be that amount determined by an appraisal based on the then highest and best use of the real property and rental rates than charged for comparable airport land. Thereafter the rent shall be adjusted every five (5) years on the anniversary of the effective date of the Lease utilizing the Consumer Price Index: United States City Average. In no event shall the rent be less than sixty-six cents (\$0.66) a square foot for the years 2003 through 2008, seventy-three cents (\$0.73) a square foot for the years 2009 through 2014, eighty cents (\$0.80) a square foot for the years 2015 through 2020 and eighty-eight cents (\$0.88) a square foot for the years 2021 through 2026.

Section 4. That Business Aircraft shall have one (1) year from the effective date of this third amendment to complete construction of the improvements identified in this ordinance. If the improvements are not constructed within that time, the Director of Port Control shall have the right to void this third amendment without penalty and the real property shall revert to the City, or the Director of Port Control may grant a written extension of time to Business Aircraft to complete the improvements.

Section 5. That on expiration of the Lease By Way of Concession with Business Aircraft Center, Inc., City Contract No. 32625, as amended, or any renewal thereof, all real property, including improvements on the property, shall revert to the City.

Section 6. That all other terms and conditions contained in City Contract No. 32625, as amended, shall remain the same.

Section 7. That the third amendment shall be prepared by the Director of Law and shall contain terms and provisions as the Director deems necessary to protect and benefit the public interest.

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

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

Ord. No. 1968-03.
By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with C.K. Newcomb and Associates, Inc. for the lease of general office and storage space at Burke Lakefront Airport, 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 authorized to enter into a Lease Agreement ("Lease") with C.K. Newcomb and Associates, Inc. ("Lessee") for the use and occupancy of approximately (a) 1,048 square feet of office space located in Room 166 and, (b) 767 square feet of storage space located in Room 137-B of the terminal building at Burke Lakefront Airport. The term of the Lease shall be for a two year period, commencing on the effective date of the Lease. For use of the office space, Lessee shall pay the City a rent of Twelve Thousand Five Hundred Seventy-six Dollars (\$12,576.00) each year of the lease. For use of the storage space, Lessee shall pay the City a rent of Six Thousand One Hundred Thirty-Six Dollars (\$6,136.00) each year of the lease.

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

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

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

Ord. No. 1969-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than E.J. Ward, Inc. There-

fore, the Director of Public Service is authorized to make one or more written requirement contracts with E.J. Ward, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed two years for spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130059)

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

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

Ord. No. 1970-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of tires, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of tires in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For

purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130064)

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

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

Ord. No. 1971-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair, rebuild and replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts gear boxes and trailers, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials needed to repair, rebuild and replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts gear boxes and trailers in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by

comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130058)

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

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

Ord. No. 1972-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain generators, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary to repair and maintain generators in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of

the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130062)

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

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

Ord. No. 1973-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive paint and supplies, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of automotive paint and supplies in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130057)

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

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

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

Ord. No. 1974-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of remanufactured vehicle transmissions, including installation, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of remanufactured vehicle transmissions, including installation, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130055)

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

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

Ord. No. 1975-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for the repair of vehicle frames and vehicle alignments, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of labor and materials necessary for the repair of vehicle frames and vehicle alignments in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130067)

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

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

Ord. No. 1976-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts for purchase of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items for the purchase of anti-freeze in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130063)

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

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

Ord. No. 1977-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Finley Fire Equipment Co., Inc. 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Finley Fire Equipment Co., Inc. Therefore, the Director of

Public Service is authorized to make one or more written requirement contracts with Finley Fire Equipment Co., Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed two years for Pierce fire apparatus parts, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130060)

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

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

Ord. No. 1978-03.
By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts with Maltese Fire Equipment Co. for the purchase of 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 this Council has determined that the within services are non-competitive and cannot be secured from any source other than Maltese Fire Equipment Co. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Maltese Fire Equipment Co. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed two years for the purchase of Duplex cab and chassis fire apparatus parts and LTI and Grumman fire apparatus parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases shall be made on order of the Director of Public Service under a requisition against the contract or contracts certified by the Director of Finance. (RL 130061)

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

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

Ord. No. 1979-03.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with APO Holdings, Inc. for Ingersoll Rand air compressor 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than APO Holdings, Inc. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with APO Holdings, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed two years for Ingersoll Rand air compressor parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130053)

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

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

Ord. No. 1980-03.

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

An emergency ordinance authorizing the Director of Public Service to enter into one or more requirement contracts without competitive bidding with Hertz Equipment Rental Corporation for Sullivan air compressor 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 this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Hertz Equipment Rental Corporation. Therefore, the Director of Public Service is authorized to make one or more written requirement contracts with Hertz Equipment Rental Corporation under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed two years for Sullivan air compressor parts, including labor if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130054)

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

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

Ord. No. 1981-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of Ford vehicle parts, including installation, 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 authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year or two years for the necessary items of Ford vehicle parts, including installation, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control deter-

mines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 130056)

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

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

Ord. No. 1982-03.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Cuyahoga County Mental Health Board for psychiatric services for House of Corrections' inmates, for the Division of House of Corrections, Department of Public Health, for a period of 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 authorized to enter into one or more contracts with the Cuyahoga County Mental Health Board for professional services necessary to provide psychiatric services to House of Corrections' inmates, for a period of one year, on an as-needed basis, payable from Fund No. 01-500301-662000 and from funds appropriated for 2004 which include this purpose, Request No. 121977, for the Division of House of Corrections, Department of Public Health.

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

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

Ord. No. 1983-03.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more mutual aid agreements with other political subdivisions in the State of Ohio for reciprocal public health services for emergency management aid and assistance in the event of any hazard too great to be dealt with unassisted.

Whereas, in light of the events of September 11, 2001 and the potential for future biological or chemical attacks and the increasing incidences of contagious diseases, there may be times, because of similar emergency circumstances, that the Boards of Health or Health Departments of various Health Districts need additional environmental health, nursing, and other public health services readily available to them; and

Whereas, Section 5502.29 of the Revised Code permits political subdivisions, in collaboration with other public and private agencies within the state, to develop mutual aid arrangements, consistent with rules adopted under Section 5502.25 of the Revised Code, for reciprocal emergency management aid and assistance in case of any hazard too great to be dealt with unassisted; 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 Public Health is authorized to enter into one or more mutual aid agreements with other political subdivisions in the State of Ohio for reciprocal public health services for emergency management aid and assistance in the event of any hazard too great to be dealt with unassisted.

Section 2. That in any such mutual aid agreement or agreements, the Director of Public Health shall retain authority to determine the extent of aid committed and to decline to respond to a request for mutual aid if the aid requested interferes with the Department of Public Health's ability to provide the proper level of services to its own constituency. In addition, no funds shall be paid to reciprocating political subdivisions of the State for the performance of mutual aid services by them to the City, and each participating political subdivision shall hold the City immune from liability for any mutual aid rendered under the agreement or agreements. The Director of Law shall review all such agreements to determine that the terms and conditions are appropriate and consistent with the City's interests.

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

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

Ord. No. 1984-03.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1985-01, passed December 3, 2001, relating to a contract with Saltzman H-Realty Co., Ltd. to provide economic development assistance to partially finance the replacement of the grocery store located at 7422 Harvard 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 Section 2 of Ordinance No. 1985-01, passed December 3, 2001, is amended to read as follows:

Section 2. That the terms of the loan shall be in accordance with the Executive Summary contained in File No. 1985-01-C.

Section 2. That existing Section 2 of Ordinance No. 1985-01, passed December 3, 2001, is repealed.

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

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

Ord. No. 1992-03.

By Council Member O'Malley.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 171.65 relating to option to elect out of the City's health, prescription drug, and dental insurance coverage.

Whereas, the City currently offers health insurance, prescription drug coverage, and dental insurance to regular full-time City employees; and

Whereas, some of these City employees may also have medical coverage available under a spouse's health insurance plan; and

Whereas, the City currently does not offer an incentive for employees covered under a spouse's insurance plan to cancel their City sponsored health insurance; and

Whereas, employees choosing to utilizing such an incentive would save the City thousands of dollars each year; and

Whereas, this Council encourages the Department of Personnel and Human Resources to conduct an analysis to determine the number of current employees who have declined health insurance coverage; and

Whereas, this Council also encourages the Department of Personnel and Human Resources to conduct a study to determine the interest among City employees in an opt out program; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Codified Ordinances of the City of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 171.65 thereof, to read as follows:

Section 171.65 Option to Elect Out of the City's Health, Prescription Drug, and Dental Insurance Coverage

Notwithstanding any provision of the Codified Ordinances to the contrary and to the extent permitted by any collective bargaining agreements, any regular full-time City employee receiving health insurance, prescription drug coverage, and dental insurance and/or any regular full-time City employee entitled to receive health insurance, prescription drug coverage, and dental insurance shall, at the City's employee's option, be entitled to opt out of the City's health insurance, prescription drug coverage, and dental insurance plans when such City employee is provided with health insurance benefits under a spouse's employer sponsored health insurance plan. In exchange for opting out of the City's health insurance coverage, the City employee shall receive five hundred dollars (\$500.00) for each year that the City employee opts out of the City's health insurance plans. Prior to receiving this five hundred dollar (\$500.00) incentive, the City employee shall provide the Director of Personnel & Human Resources with proof of insurance coverage and a signed affidavit attesting to the coverage.

Any regular full-time City employee who opts out of the City's health insurance plan shall be entitled to immediate enrollment in the City's health insurance plans upon the occurrence of a qualifying event. For purposes of the section, a qualifying event shall include, but not be limited to, the spouse's loss of health insurance benefits, divorce, or death of the spouse. In the event of such enrollment, the City employee shall return to the City on a pro-rated basis that portion of the five hundred dollar (\$500.00) incentive that is equal to the months remaining on the opt out year.

This opt out election shall not be made available to elected officers of the City and shall not be made available to City employees whose spouse is also a City of Cleveland employee.

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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

**FIRST READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1985-03.

By Council Member Jackson.
An emergency ordinance authorizing the Clerk of Council to enter into contract with Legal News Publishing Company for professional services necessary to create, edit, review, publish, and distribute the City Record for Cleveland City Council.

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 to the contrary, the Clerk of Council is hereby authorized to enter into contract with Legal News Publishing Co. for professional services necessary to create, edit, review, publish, and distribute the City Record and indexes of the City Record.

Section 2. That the term of said contract shall begin on October 14, 2003 and shall be for a period of two (2) years. The cost of said contract shall be paid from Fund Nos. 01 SF 001.

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. 1986-03.

By Council Member Lewis.

An emergency ordinance amending Section 2 of Ordinance No. 1119-03, passed June 10, 2003, as amended by Ordinance No. 1532-03, passed August 13, 2003, as amended by Ordinance No. 1715-03, passed September 8, 2003, and as amended by Ordinance No. 1893-03, passed October 6, 2003 as it pertains to the Project Launch Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1119-03, passed June 10, 2003, as amended by Ordinance No. 1532-03, passed August 13, 2003, as amended by Ordinance No. 1715-03, passed September 8, 2003, and as amended by Ordinance No. 1893-03, passed October 6, 2003 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$128,465 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 1119-03, passed June 10, 2003, as amended by Ordinance No. 1532-03, passed August 13, 2003, as amended by Ordinance No. 1715-03, passed September 8, 2003, and as amended by Ordinance No. 1893-03, passed October 6, 2003 is hereby repealed.

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

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. 1987-03.

By Council Member Lewis.

An emergency ordinance amending Section 2 of Ordinance No. 1120-03, passed June 10, 2003, as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003, and as amended by Ordinance No. 1894-03, passed October 6, 2003 as it pertains to the Women of Excellence Program through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1120-03, passed June 10, 2003, as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003, and as amended by Ordinance No. 1894-03, passed October 6, 2003 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$142,572 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2 of Ordinance No. 1120-03, passed June 10, 2003, as amended by Ordinance No. 1533-03, passed August 13, 2003, as amended by Ordinance No. 1716-03, passed September 8, 2003, and as amended by Ordinance No. 1894-03, passed October 6, 2003 is hereby repealed.

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

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. 1988-03.

By Council Member Scott.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the New Fellowship Church for an After-school Leaders of Tomorrow Program through the use of Ward 8 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement effective November 3, 2003 to May 30, 2004 with the New Fellowship Church for an After-school Leaders of Tomorrow Program for the public purpose of providing remedial education to Cleveland school children that have educational deficiencies through the use of Ward 8 Neighborhood Equity Funds.

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

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

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

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 ADOPTED**

Res. No. 1989-03.

By Council Member White.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 3790 Martin Luther King, Jr. Drive and repealing Resolution No. 1566-03, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 3790 Martin Luther King, Jr. Drive by Resolution No. 1566-03 adopted by the Council on August 13, 2003; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; 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 a New C1 Liquor Permit to 3790 Martin Luther King, Jr. Drive be and the same is hereby withdrawn and Resolution No. 1566-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 1990-03.**By Council Member Polensek.**

An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit at 15428 Lakeshore Boulevard and repealing Resolution No. 1676-02, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Boulevard by Resolution No. 1676-02 adopted by the Council on August 14, 2002; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed October 1, 2003 by and through City Council Representative, Michael D. Polensek and Applicant, Parkash Parkash, President of Park CFM, Inc., DBA Convenient Food Mart, 15428 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 6700191, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a C1, C2 and D6 Liquor Permit to 15428 Lakeshore Boulevard be and the same is hereby withdrawn and Resolution No. 1676-02, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 1991-03.**By Council Member Conwell.**

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 10509 Ashbury Avenue and repealing Resolution No. 1308-03, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 10509 Ashbury Avenue, by Resolution No. 1308-03 adopted by the Council on July 16, 2003; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to 10509 Ashbury, Inc., DBA First Choice Beverage, 10509 Ashbury Avenue, Cleveland, Ohio 44106, Permanent Number 6548639, be and the same is hereby withdrawn and Resolution No. 1308-

03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1216-03.

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

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 57846 with JCDecaux Airport, Inc. (f/k/a Sky Sites, Inc.) for the operation of an advertising concession for the various divisions of the Department of Port Control for a period not to exceed five years.

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

1. In the title, at the end, strike the period and insert "; and authorizing the Director to issue credits under this amendment for the removal and relocation of displays, and the installation of electrical lines and phone lines."

2. In Section 1, line 3, after "Inc.," insert "(JCDecaux)"; in line 6, strike "equal to" and insert "approximately"; and in line 7, at the end insert: "Signs may be added or deleted at the direction of the Director of Port Control."

3. Insert new Sections 3 and 4 to read as follows:

"Section 3. That if the Director of Port Control requests JCDecaux to remove or relocate any of its displays, the Director is authorized to issue credits to JCDecaux under this amendment, for the reimbursement of costs for the removal and relocation of displays and the installation of electrical lines and phone lines to any such new areas.

Section 4. That the Director of Port Control is further authorized to execute any documents necessary and appropriate to issue such credits."

4. Renumber existing Sections 3 and 4 to new "Section 5" and "Section 6".

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. 1497-03.

By Council Members Britt, White, Jackson and Polensek (by departmental request).

An emergency ordinance to amend Section 607.15 as enacted by Ordinance No. 90-96, passed March 18,

1996, relating to illegal distribution of cigarettes or other tobacco products.

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

1. In Section 1, at Section 607.15(a)(4), line 1, strike "state" and insert "City".

2. In Section 1, after division (a)(5) of Section 607.15, insert new (a)(6) to read as follows:

"(6) Sell other tobacco products in a smaller quantity than was intended for retail when the project as packaged by the manufacturer."

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. 1686-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to replace the terminal flooring at Cleveland Hopkins International Airport, including Concourse A, B, and C, the ticketing level, the baggage claim and concourse connectors, for the Department of Port Control.

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

1. In Section 1, line 3, strike "of one year" and insert "of one or two years"; in line 12, strike "one year" and insert "the specified term"; and at the end, add "The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

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. 1687-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of automotive parts, supplies and services necessary for the maintenance of airport vehicles and equipment, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

1. In the title, strike lines 7 and 8 in their entirety and insert "Port Control."

2. In Section 1, line 3, strike "of two years" and insert "of one or two years"; in lines 10 and 11, strike

"two years" and insert "the specified term"; and at the end, add "The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

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. 1688-03.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of work uniforms for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

1. In the title, strike line 5 in its entirety and insert "Control."

2. In Section 1, line 3, strike "of two years" and insert "of one or two years"; in line 9, strike "two years" and insert "the specified term"; and at the end, add "The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms."

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. 1689-03.

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

An emergency ordinance authorizing the Director of Port Control to

employ one or more professional consultants to provide lobbying services for Cleveland Hopkins International Airport issues.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 1691-03.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Medtronic Physio Control for the purchase of not to exceed twelve defibrillators including wall cabinets, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 1801-03.

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

An emergency ordinance to amend various sections of Ordinance No. 384-03, passed March 10, 2003, relating to compensation for various classifications.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. In Section 1, line 5, strike "9, 12, 18, and 22" and insert "9, 10, 12, 18, 20, and 22"; in line 8, after "June 10, 2003;" insert "and"; in line 9, after "2003," strike "and"; and strike lines 10 and 11 in their entirety.

2. In Section 1, at amended Section 4, for classification numbers 2, 3, 6, 7, 14, 16, 20, 21, 22, 23, and 28, in the column entitled "Minimum" strike "\$19,427.00" and insert "\$19,427.20" in all places.

3. In Section 1, at amended Section 8, for classification number 98, in the column entitled "Minimum" strike "\$9.23" and insert "\$9.34".

4. In Section 1, after amended Section 9 insert:

"Section 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bilingual Communication Specialist	\$22,882.82	\$34,512.20
2. Police Radio Dispatcher	\$22,885.90	\$37,787.92
3. Police Safety Aide	\$19,427.20	\$26,902.62
4. Safety Telephone Operator	\$21,266.04	\$29,218.77".

5. In Section 1, after amended Section 18 insert:

"Section 20. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Chief Plumbing Inspector	\$31,747.58	\$45,442.08
2. Assistant Plumbing Inspector	\$19,427.20	\$37,301.04
3. Community Development Code Enforcement Inspector/Plumbing I	\$ 14.83	\$ 21.84
4. Community Development Code Enforcement Inspector/Plumbing II	\$ 15.66	\$ 23.08
5. Community Development Code Enforcement Inspector/Plumbing III	\$ 16.49	\$ 24.32
6. Plumbing Inspector	\$30,094.45	\$43,075.91".

6. In Section 1, at amended Section 22, for classification numbers 1 and 2, in the column entitled "Minimum" strike "\$19,427.00" and insert "\$19,427.20" in both places.

7. In Section 1, at amended Section 27, for all of the classifications except number 6, in the column entitled "Minimum" strike "\$19,427.00" and insert "\$19,427.20" in all places.

8. In Section 1, at amended Section 28, for classification numbers 1, 2, 9, 12, 13, 19, 24, and 25, in the column entitled "Minimum" strike "\$19,427.00" and insert "\$19,427.20" in all places.

9. In Section 1, at amended Section 29, for classification numbers 2, 3, 4, 6, 11, 13, 15, 16, 19, 20, 23, 26, 30, 31, 32, 33, 35 and 36, in the column entitled "Minimum" strike "\$19,427.00" and insert "\$19,427.20" in all places; and for classification number 34, strike "\$18,099.87" and insert "\$19,427.20".

10. In Section 1, at amended Section 30, for all of the classification except numbers 6 and 7, in the column entitled "Minimum" strike "\$19,427.00" and insert "\$19,427.20" in all places.

11. In Section 1, strike amended Section 46 in its entirety.

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. 1852-03.

By Mayor Campbell.
An emergency ordinance authorizing the continuation of City-provided group health and life insurance coverage, under the same terms and conditions currently in effect, and further authorizing a continuation of military leave with pay to all City employees who would otherwise lose such benefits as a result of a call to active military duty.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1890-03.

By Council Member Jackson (by departmental request).

An emergency resolution requesting the County Auditor to make advances during the year 2004, under Section 321.34 of the Revised Code.

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

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

LAID ON THE TABLE

Res. No. 2132-94.

By Council Member Lewis.
An emergency resolution opposing the amendment to the recently passed Crime Bill which eliminates Pellgrants for inmates with an opportunity for parole.

Without objection, Resolution No. 2132-94 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18, Nays 0. Resolution No. 2132-94 tabled.

Res. No. 1819-98.

By Council Members Lewis and Cintron.

An emergency resolution expressing support for the goals of the Law Enforcement Explorer Program and the intent to hold a hearing to review the program.

Without objection, Resolution No. 1819-98 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18, Nays 0. Resolution No. 1819-98 tabled.

Ord. No. 438-01.

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

An emergency ordinance authorizing and directing the Director of Public Safety to establish a passenger drop off/pick up zone at 601 Lakeside Avenue in front of Cleveland City Hall.

Without objection, Ordinance No. 438-01 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 18, Nays 0. Ordinance No. 438-01 tabled.

MOTION

By Council Member Coats seconded by Council Member Zone and unanimously carried that the absence of Council Members Patricia Britt, Merle Gordon and Joseph T. Jones, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:40 p.m. to meet on Monday, October 20, 2003, at 7:00 p.m. in the Council Chambers.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 8, 2003

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 8, 2003, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Parekh, Pettus, Directors Ronayne, Hudecek, Routen, Sims and Williams.

Absent: Directors Fumich and Taylor.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

Resolution No. 598-03.

By Director Baker.
Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 2003 in the amount of \$10,403.46, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Parekh, Pettus, Directors Ronayne, Hudecek, Routen, Sims and Williams.

Nays: None.
Absent: Directors Fumich and Taylor.

Resolution No. 599-03.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for the public improvement of labor and materials needed to construct and repair catch basins and manholes, base bid all items, plus a ten percent (10%) contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on the 29th day of August 2003, pursuant to the authority of Ordinance No. 1004-03, passed June 10, 2003, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract, at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Three Hundred Seventy Seven Thousand Eight Hundred Fifty and 00/100 Dollars (\$377,850.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 137348 which shall be certified against such contract in the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

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 contract authorized herein is approved:

<u>Subcontractor</u>	<u>Work</u>
<u>MBE/FBE</u>	
Dan Ray Construction	
15.03% — MBE	\$56,800.00
Choice Construction	
5.02% — FBE	\$18,950.00

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Parekh, Pettus, Directors Ronayne, Hudecek, Routen, Sims and Williams.

Nays: None.
Absent: Directors Fumich and Taylor.

Resolution No. 600-03.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on July 11, 2003, for the standard purchase of explosive containment trash receptacles

for external use for Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. 1597-02, passed by the Council of the City of Cleveland on August 14, 2002, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Parekh, Pettus, Directors Ronayne, Hudecek, Routen, Sims and Williams.

Nays: None.

Absent: Directors Fumich and Taylor.

Resolution No. 601-03.

By Directors Ricchiuto and Sims. Resolved by the Board of Control of the City of Cleveland that all bids received on May 16, 2003, for the public improvement of the House of Corrections site development, for the Departments of Public Service and Economic Development, pursuant to the authority of Ordinance No. 478-98 passed by the Council of the City of Cleveland on June 1, 1998, be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto, Acting Directors Parekh, Pettus, Directors Ronayne, Hudecek, Routen, Sims and Williams.

Nays: None.

Absent: Directors Fumich and Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

CIVIL SERVICE NOTICE

ANNOUNCEMENTS - 2003 10/20/03 - 10/24/03

Announcement No.	Type Exam	Classification
196	WR	Assistant School Building Custodian Cleveland Board of Education (Open)

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing.** The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current.** Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C MINUTES ANNOUNCEMENT NO. 196

ASSISTANT SCHOOL BUILDING CUSTODIAN (OPEN) CLEVELAND BOARD OF EDUCATION

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by the Cleveland Board of Education is \$15.48 - \$17.81 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE RECEIVED FOR ENTRANCE TO THE EXAMINATION FROM 8:30 A.M. ON MONDAY, OCTOBER 20, 2003 UNTIL 4:30 P.M. ON FRIDAY, OCTOBER 24, 2003.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, OCTOBER 24, 2003.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NOT LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision of the custodian, performs unskilled and semi-skilled maintenance tasks related to the care and operation of school facilities; monitors heating, ventilation and air conditioning systems to provide temperatures appropriate to the season and ensures economical use of fuel, water and electricity; operates boiler, pumps and related equipment under the supervision of the custodian.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or G.E.D. is required. A copy of the applicant's High School Diploma or G.E.D. certificate as well as his/her High Pressure Boiler Operator's or Steam Engineers License must be submitted at the time of filing application or application will be rejected.

QUALIFICATIONS:

1.) Current Holder of a High Pressure Boiler Operator's License or Steam

Engineers License from the State of Ohio.

2.) Good work record and good attendance/punctuality.

3.) Vocational Custodial Service Training preferred.

VETERAN'S CREDIT: Military credit will be awarded to applicants in accordance with Section 124.23 of the Ohio Civil Service Rules. Applicants eligible for military credit **MUST** submit copies of discharge or disability papers at the time of filing application.

CRIMINAL RECORD CHECK: Ohio Senate Bill 38 requires criminal record checks of job applicants under final consideration for positions. This records check is through the Ohio Bureau of Criminal Identification and/or the Federal Bureau of Investigation. The records check is performed at the applicant's expense and any employment offer is contingent upon the satisfactory completion of the check.

PHYSICAL EXAMINATION: All new hires are required to undergo a physical examination, at the employee's expense, as a condition of employment. Examinations which have been performed within ninety (90) days prior to date of employment are acceptable. Any employment offer is contingent upon satisfactory completion of this exam.

RESIDENCY: The following Resolution was passed by the Cleveland Board of Education and is Effective as of 8/13/86:

"except as otherwise provided by a majority rule of the Board of Education, every regular non-teaching employee of the Cleveland City School District, including but not limited to certificate, classified or unclassified, who are initially appointed after the effective date of this Resolution, shall at the time of his/her appointment or within one year thereafter, be or become a bona fide resident of the Cleveland City School District."

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Cleveland Board of Education employees are exempt. Applicants employed by the Cleveland Board of Education must submit a copy of proof of employment (I.D., paycheck stub) at the time of filing. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

AN EQUAL OPPORTUNITY EMPLOYER

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 27, 2003

9:30 A.M.

Calendar No. 03-264: 7125 Deveny Avenue (Ward 12)

John J. Jarosz, owner, appeals to rebuild an approximate 8' x 10' shed on the easterly side of a 40' x 125' parcel at the rear of an existing 23' x 65' four dwelling unit building located in a Two-Family District on the north side of Deveny Avenue at 7125 Deveny Avenue; said construction being contrary to Section 352.09 of the Landscaping and Screening Requirements, where a 4' wide transition strip is required between the existing multi-family lot and the abutting two-family lot and none is proposed and contrary to Section 357.09(b)(2)(A) of the Yards and Courts Requirements that require there be no building erected less than 10' from a main building on an adjacent lot and subject to the provisions of Nonconforming Use Regulations, where a nonconforming building or use more than 50% removed shall not be replaced except within conformance to the regulations for the district in which it is located as stated in Section 359.03(b) of the Codified Ordinances.

Calendar No. 03-265: Appeal of Northeast Ohio Telephone, Inc.

Northeast Ohio Telephone, Inc., owner c/o Ronald Jacobs, President, appeals from an order to remove multiple outdoor pay phones identified by the Commissioner of Assessments and Licenses on September 5, 2003 under the authority of Section 670B.06, where the appellant is ordered to remove the payphones that are determined to be in violation by their location in the public right-of-way and within 500 feet of a City permitted payphone that is in the right-of-way and to comply with the requirements of Chapter 670B of the Codified Ordinances.

Calendar No. 03-267: 3906 Clinton Avenue (Ward 13)

Scott Francis, owner, appeals to erect approximately 55'-9" of 5 1/2' high wood privacy fence parallel to the neighboring residence at the east side of an approximate 66' x 129' irregular shaped parcel located in a Two-Family District on the north side of Clinton Avenue at 3906 Clinton Avenue; contrary to the Fence Regulations where no fence height may exceed its distance from a residence building on an adjoining lot and the proposed 5 1/2' fence is a distance of 3'-10' from the neighboring house and that is the permitted height as stated in Section 358.04(A) of the Codified Ordinances.

Calendar No. 03-269: 6720 St. Clair Avenue (Ward 13)

Jane Prijatelj, owner, appeals to install approximately 51' linear feet of 6' high ornamental fence at the front of a patron parking lot of a one-story masonry commercial building situated on an 80' x 125' parcel located in a Local Retail Business

District on the south side of St. Clair Avenue at 6720 St. Clair Avenue; said fence installation being contrary to the Fence Regulations, where a fence 6' high is proposed and fences in non-residential districts may not exceed 4' in the actual front yard and must be at least 50% open above 2' in height as stated in Section 358.05(2) of the Codified Ordinances.

Calendar No. 03-280: 10929 Detroit Avenue (A) (Ward 19)

Horizon Construction Company, Ltd., owner, appeals to erect a 15'-11" x 37' three-story, one family townhome in an approximate 21' x 59' area situated on a 64' x 107' parcel located in a Residence Office District on the southeast corner of West 110th Street and Detroit Avenue at 10929 Detroit Avenue; said construction being contrary to the Yards and Courts Requirements of Section 357.04(a) where the required front yard is 15', or the line of existing buildings, and 11' is provided and Sections 357.08(b)(1) and 357.09B(b)(1) where there is a required rear yard of 20' and 10' is provided and regardless of the use district, no interior side yard on a lot occupied by a dwelling shall be less than 3' in width for an interior lot and 0' and 5' are provided and no aggregate width of side yards on the same premises shall be less than 10' and 5' is provided; and contrary to Area Requirements of Section 355.04 where a minimum lot size of 4,800 s/f is required and 1,224 s/f is provided, and where the gross floor area of 1,677 s/f exceeds the lot size area, a minimum lot width of 40' is required and 20' is provided; and subject to the Off-Street Parking and Loading Requirements where the Board of Zoning Appeals may allow the use of land in a Residence District for accessory individual parking spaces as stated in Section 349.13(c) of the Codified Ordinances.

Calendar No. 03-281: 10933 Detroit Avenue(B) (Ward 19)

Horizon Construction Company, Ltd., owner, appeals to erect a 19.3' x 39.2' three-story, one family townhome in an approximate 19' x 59' area situated on a 64' x 107' parcel located in a Residence Office District on the southeast corner of West 110th Street and Detroit Avenue at 10933 Detroit Avenue; said construction being contrary to the Yards and Courts Requirements of Section 357.04(a), where the required front yard is 15', or the line of existing buildings, and 11' is provided and Sections 357.08(b)(1) where there is a required rear yard of 20' and 10' is provided and regardless of the use district, no interior side yard on a lot occupied by a dwelling shall be less than 3' in width for an interior lot and 0' is provided, and no aggregate width of side yards on the same premises shall be less than 10' and 5' is provided; and contrary to the Area Requirements of Section 355.04, where the minimum lot size of 4,800 s/f is required and 1,134 s/f is provided, and where the gross floor area of 2,268 s/f exceeds the lot size area, a minimum lot width of 40' is required and 19' is pro-

vided; and subject to the Off-Street Parking and Loading Requirements, where the Board of Zoning Appeals may allow the use of land in a Residence District for accessory individual parking spaces as stated in Section 349.13(c) of the Codified Ordinances.

Calendar No. 03-282: 10937 Detroit Avenue(C) (Ward 19)

Horizon Construction Company, Ltd., owner, appeal to erect a 24.73' x 58.74' three-story, one family townhome in an approximate 25' x 59' area situated on a 64' x 107' parcel located in a Residence Office District on the southeast corner of West 110th Street and Detroit Avenue at 10937 Detroit Avenue; said construction being contrary to the Yards and Courts Requirements of Section 357.04(a), where the required front yard is 15', or the line of existing buildings, and 10' is provided and Sections 357.08(b)(1) and 357.09B(b)(1), where there is a required rear yard of 20' and 10' is provided and regardless of the use district, no interior side yard on a lot occupied by a dwelling shall be less than 3' in width for an interior lot and 0' and 5' are provided and no aggregate width of side yards on the same premises shall be less than 10' and 5' is provided; and contrary to Area Requirements of Section 355.04, where a minimum lot size of 4,800 s/f is required and 1,452 s/f is provided, and where the gross floor area of 2,175 s/f exceeds the lot size area, a minimum lot width of 40' is required and 20' is provided; and subject to the Off-Street Parking and Loading Requirements where the Board of Zoning Appeals may allow the use of land in a Residence District for accessory individual parking spaces as stated in Section 349.13(c) of the Codified Ordinances.

Calendar No. 03-283: 1409 West 110th Street (Ward 19)

Horizon Construction Company, Ltd., owner, appeal to erect a 20' x 40' three-story, one-family townhome in an approximate 28' x 49' area situated on a 64' x 107' parcel located in a Residence Office District on the southeast corner of West 110th Street and Detroit Avenue at 1409 West 110th Street; said construction being contrary to the Yards and Courts Requirements of Section 357.04(a) where the required front yard is 27', or the line of existing buildings, and 6' is provided; and Sections 357.08(b)(1) and 357.09B(b)(1), where there is a required rear yard of 20' and 10' is provided and regardless of the use district, no interior side yard on a lot occupied by a dwelling shall be less than 3' in width for an interior lot and 2' and 5' are provided, and no aggregate width of side yards on the same premises shall be less than 10' and 7' is provided; and contrary to Area Requirements of Section 355.04 where a minimum lot size of 4,800 s/f is required and 1,383 s/f is provided and where the gross floor area of 2,400 s/f exceeds the lot size area, a minimum lot width of 40' is required and 28.32' is provided; and subject to the Off-Street Parking and Loading Re-

quirements where the Board of Zoning Appeals may allow the use of land in a Residence District for accessory parking spaces as stated in Section 349.13(c) of the Codified Ordinances.

Calendar No. 03-284: 1411 West 110th Street (Ward 19)

Horizon Construction Company, Ltd., owner, appeals to use an existing 83' x 107' L-shaped lot located in a Two-Family District, as accessory to individual parking spaces situated on the east side of West 110th Street at 1411 West 110th Street; said use being subject to the Off-Street Parking and Loading Requirements where the Board of Zoning Appeals may allow the use of land in a Residence District, other than a Limited One-Family District, for a parking lot where the land abuts or is across the street from a district other than a Residence District as stated in Section 349.13(c) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, OCTOBER 13, 2003

At the meeting of the Board of Zoning Appeals on Monday, October 13, 2003, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 03-253: 2012-18 Denison Avenue

Burt Chernin appealed to expand a day care facility by adding the use of a 66 s/f vacant space in a 118' x 79' one-story, masonry building in a Local Retail Business District.

Calendar No. 03-255: 16503 Sedalia Avenue

D.E. Phillips appealed to construct an 8' x 10' one-story frame shed to the rear of a 50' x 113' parcel in an One-Family District.

Calendar No. 03-257: 12403 Ingomar Avenue

E. Capers appealed to construct a 20' x 20' one-story accessory garage at the rear of a 45' x 112' parcel in a One-Family District.

Calendar No. 03-271: 3316 West 165th Street

Cathy McMillan appealed to erect a 14' x 26' one-story accessory garage on a 40' x 154' parcel in a One-Family District.

The following appeals were **Denied:**

None.

The following appeals were **Withdrawn:**

None.

The following appeals were **Postponed:**

Calendar No. 03-254: 9305 Miles Avenue postponed to November 17, 2003.

Calendar No. 03-256: 3965 Rocky River Drive postponed to November 3, 2003.

Calendar No. 03-258: 12119-23 Lorain Avenue postponed to November 3, 2003.

Calendar No. 03-220: 8701 Buckeye Road postponed to November 10, 2003.

Calendar No. 03-221: 8707 Buckeye Road postponed to November 10, 2003.

Calendar No. 03-225: 11010 Woodland Avenue postponed to November 3, 2003.

On Monday, October 13, 2003, in Executive Session:

The following appeals were heard by the Board on Monday, October 6, 2003, and said decisions were approved and adopted in Executive Session on Monday, October 13, 2003:

The following appeal was **Approved:**

Calendar No. 03-251: 17725 Puritas Avenue

Cleveland Housing Network appealed to erect a 26' x 44' two-story, frame single family dwelling and a 20' x 20' detached garage in a One-Family District.

The following appeals were **Denied:**

Calendar No. 03-237: 10503-07 Superior Avenue

Mohammad J. Ali, owner, and Amadou Sy, prospective tenant, appealed to add an accessory use of outdoor vending to sell various items in a parking lot at the front of a vacant former food service building in a Local Retail Business District.

Calendar No. 03-246: 4081 West 158th Street

Steven Englehart appealed to construct a 27' wide x 27' long x 17' high one-story frame accessory garage to the rear of a 40' x 125' parcel in a One-Family District.

The following appeals were **Dismissed:**

Calendar No. 03-02: 17300 Lakeshore Boulevard

J. Adornetti appealed to change use from a restaurant to a day care.

Calendar No. 03-38: 3979 West 146th Street

M. Miller appealed to install 6' high wooden fence to the north, south and east of a 61' x 125' parcel.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 8, 2003

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

* * *

Docket A-137-02.

RE: Appeal of Accurate Plating Company C/O Charles A. Foley, Owner of the Property located on the premises known as 6512 Carnegie Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 23, 2002, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant the extended time in which to install the sprinkler system as indicated on the Plan of Action dated March 26, 2003, which indicates approximately two (2) years starting in August 2004 for complete installation of the system. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Sullivan (Alternate), Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-71-03.

RE: Appeal of 2720 Van Aken Boulevard, LLC, Owner of the One Story Brick Restaurant/Stores Property located on the premises known as 2776 Van Aken Boulevard (a.k.a. 2720-82 Van Aken Boulevard) from a NOTICE OF VIOLATION — NO PERMIT of the Commissioner of the Department of Building and Housing, dated June 5, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the Notice of Violation dated June 5, 2003 was issued properly and the violations do exist; the property is REMANDED at this time to the Department of Building and Housing for pursuit of abatement of the violations. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Sullivan (Alternate), Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-91-03.

RE: Appeal of Albert Coreno, Owner of the One Story Masonry Property located on the premises known as 9410 Lorain Avenue from a NOTICE OF VIOLATION — ILLEGAL USE of the Commissioner of the Department of Building and Housing, dated June 26, 2003, requiring

ing compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-91-03 has been POSTPONED; to be rescheduled for November 5, 2003.

* * *

Docket A-94-03.

RE: Appeal of Florine B. Anthony, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 920 Stevenson Road from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Department of Building and Housing, dated July 9, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 920 Stevenson Road to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Sullivan (Alternate), Saab, Bradley. Nays: None. Absent: Mr. Gallagher.

* * *

Docket A-95-03.

RE: Appeal of Haydee Lee Tong, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 1538 East 34th Street (a.k.a. 1538 East 34th Street) from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Department of Building and Housing, dated June 24, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-95-03 has been POSTPONED; to be rescheduled for October 22, 2003.

* * *

Docket A-96-03.

RE: Appeal of Preferred Builders Of Solon, Owner of the Property located on the premises known as 8602 Wade Park Avenue from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated August 2, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-96-03 has been POSTPONED; to be rescheduled for November 5, 2003.

* * *

Docket A-100-03.

RE: Appeal of Estate of Alvin A. Nayman, Owner of the Property located on the premises known as 4906 Praha Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 21, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-100-03 has been POSTPONED; to be rescheduled for November 19, 2003.

* * *

Docket A-101-03.

RE: Appeal of Estate of Alvin A. Nayman, Owner of the Property located on the premises known as 2962 East 50th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated July 21, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-101-03 has been POSTPONED; to be rescheduled for November 19, 2003.

* * *

Docket A-106-03.

RE: Appeal of River's End Marina Development, Inc., Owner of the Property located on the premises known as 1000 Cuyahoga River Road from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated August 28, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-106-03 has been POSTPONED; to be rescheduled for November 19, 2003.

* * *

Docket A-113-03.

RE: Appeal of University Circle Inc., Owner of the Five Story Building located on the premises known as 11328 Mayfield Road from an ADJUDICATION ORDER of the Commissioner of the Department of Building and Housing, dated September 11, 2003, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-113-03 has been POSTPONED; to be rescheduled for October 22, 2003.

* * *

OTHER BOARD BUSINESS:

Certificates of Qualification for Journeyman Plumbers and Electrical Maintenance, the acceptance of a valid State of Ohio Plumbing contractor or Electrical Contractor license, respectively in lieu of the City of Cleveland's Master Plumber/Journeyman or Limited Premises A or B license to qualify for grandfathering (without further test).

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-32-03 — AG-L North Moreland, L.L.C.

A-63-03—John & Robert Tankovich
 A-92-03—Guy Templeton Black
 A-109-03—3500 Group, Ltd.
 A-110-03—Thermagon, Inc.
 A-111-03—James Patelman
 A-112-03—Stager-Beckwith Associates, Ltd.

Yeas: Messrs. Denk, Saunders, Sullivan (Alternate), Saab, Bradley.
 Nays: None. Absent: Mr. Gallagher.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saab and seconded by Mr. Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

September 24, 2003

Yeas: Messrs. Denk, Saunders, Sullivan (Alternate), Saab, Bradley.
 Nays: None. Absent: Mr. Gallagher.

* * *

EUGENE CRANFORD, JR.,
 Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

By the Council Committee on
 Community and Economic
 Development

Mercedes Cotner Committee Room
 Cleveland City Hall,
 601 Lakeside Avenue, Room 217
 Tuesday, October 21, 2003
 9:30 a.m.

Notice is hereby given in accordance with Chapter 324 of the Codified Ordinances of Cleveland, Ohio that the Council Committee on Community and Economic Development will hold a Public Hearing on October 21, 2003 at 9:30 a.m. in either Room 217 or the Cleveland City Council Chambers, City Hall, 601 Lakeside Avenue, Cleveland, Ohio to consider Ordinances Nos. 1177-03 and 1503-03 relating to the existence of blight at the following properties and the necessity of acquiring said properties to eliminate the blight and prevent its recurrence: 15601-03 St. Clair Avenue, 15710 St. Clair Avenue, 707-711 East 162nd Street, 705 East 162nd Street, and 12309 Kinsman Road.

All interested persons are encouraged to attend or be represented at the Public Hearing in order to be heard and to present their views.

MERLE R. GORDON,
 Chairwoman
 Community and Economic
 Development Committee

October 8, 2003 and October 15, 2003

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, OCTOBER 23, 2003

Constructing & Installing Replacement Sewers & Rehabilitating & Repairing Sewers at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1073-02, passed by the Council of the City of Cleveland, July 17, 2002.

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

THERE WILL BE A PRE-BID MEETING, THURSDAY, OCTOBER 16, 2003 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

October 8, 2003 and October 15, 2003

THURSDAY, OCTOBER 30, 2003

Rockwell Avenue Sewer & Water Main Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance Nos. 2452-02 and 1072-02, passed by the Council of the City of Cleveland, March 31, 2003 and July 17, 2002.

THERE WILL BE A REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A

CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A MANDATORY PRE-BID MEETING WHERE YOUR ATTENDANCE IS MANDATORY TO BE ELIGIBLE FOR BIDDING; MONDAY, OCTOBER 20, 2003 AT 10:00 A.M., DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

October 8, 2003 and October 15, 2003

WEDNESDAY, NOVEMBER 5, 2003

Phase II — Residential Sound Insulation Program (RSIP) Contract C-03 (General Construction/HVAC), Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

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

THERE WILL BE A MANDATORY PRE-BID MEETING WHERE YOUR ATTENDANCE IS MANDATORY TO BE ELIGIBLE FOR BIDDING; THURSDAY, OCTOBER 16, 2003 AT 10:00 A.M., C & S ENGINEERS OF OHIO, MAIN CONFERENCE ROOM, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, CLEVELAND, OHIO 44135.

October 8, 2003 and October 15, 2003

THURSDAY, OCTOBER 30, 2003

Ductile Iron Pipe and 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, THURSDAY, OCTOBER 23, 2003 AT 10:30 A.M., DIVISION OF WATER, DISTRIBUTION & MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

Purchase and Installation of Replacement Storage Batteries, for the Office of Radio Communications, Department of Public Utilities, as authorized by Ordinance No. 1194-02, passed by the Council of the City of Cleveland, July 17, 2002.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, OCTOBER 24, 2003, AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Aluminum Sign Blanks, for the Division of Traffic Engineering, Department of Public Service, as authorized by Ordinance No. 371-03, passed by the Council of the City of Cleveland, March 24, 2003. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 24, 2003 AT 9:00 A.M., CITY HALL, CONFERENCE ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 15, 2003 and October 22, 2003

FRIDAY, OCTOBER 31, 2003

Snow and Ice Removal, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1152-03, passed by the Council of the City of Cleveland, July 16, 2003.

THERE WILL BE A MANDATORY PRE-BID MEETING, THURSDAY, OCTOBER 23, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

October 15, 2003 and October 22, 2003

WEDNESDAY, NOVEMBER 5, 2003

Digital Video Cameras For Prisoner Booking & Building Security, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2460-92, passed by the Council of the City of Cleveland, March 24, 2003.

THERE WILL BE A MANDATORY PRE-BID MEETING, TUESDAY, OCTOBER 28, 2003 AT 10:00 A.M., THIRD DISTRICT POLICE STATION, 1ST FLOOR, 2100 PAYNE AVE., CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

October 15, 2003 and October 22, 2003

THURSDAY, NOVEMBER 13, 2003

Fire, Boiler, Machinery and Extended Insurance Coverage, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1078-02, passed by the Council of the City of Cleveland, June 17, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING, WEDNESDAY, OCTOBER 29, 2003 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

October 15, 2003 and October 22, 2003

**Certified MBEs and FBEs
Reporting Period: Third Quarter, 2003**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) by the Mayor's Office of Equal Opportunity during the Third Quarter of 2003.

Company	MBE/FBE	Cerdate	Description
3D Visual Concepts	MBE	7/10/2003	3D design visualization, architectural, engineering, construction rendering & fly-thru animation, CAD design and drafting services
Access Video, Inc.	FBE	7/14/2003	Video production & editing
Action Travel Center, Inc.	FBE	8/1/2003	Full service travel agency including business travel management services
Alarm Core, Inc.	MBE	7/22/2003	Security: security officers, couriers, private investigators, transportation, night watchmen; also, pre-employment & tenant screening; security cleaning of buildings
Allstate Industrial, Inc.	MBE	8/4/2003	Supplier: safety equipment supplies, safety glasses, boots, protective clothing, rainsuits, safety equipment for flammable liquids, respirators
Alphaport, Inc.	FBE	9/23/2003	Research and educational services, management consultant, controlled products and data administration
Al's High Tech dba Al's Electric Motor	FBE	7/9/2003	Sales, service and repair of electric motors, equipment, etc., complete machine shop, vibration analysis
Analyzers	MBE/FBE	7/7/2003	Professional organizer
APA & Associates	MBE	8/5/2003	Sales, installation & service of telephone systems; design, install & certify voice and data cabling
APEX Construction Company, Inc.	MBE	7/14/2003	General contractor specializing in remodeling, painting, masonry, and roofing and carpentry
Applied Laser Technologies	FBE	9/16/2003	Laser & inkjet printer sales, service and supplies
BAT Associates, Inc.	MBE	7/14/2003	Engineering services: hazardous waste mgmt., environmental engineering, underground storage tank mgmt., hydraulic and water resource engineering, civil & structural engineering
Belmonte Park Environmental Laboratories	MBE	7/2/2003	Chemical analysis testing and monitoring laboratory testing; water and soil testing
Bonnie Banks Design, Inc.	MBE/FBE	9/3/2003	Interior design services and consulting: residential and commercial
Broma Information Technology, LLC	MBE	8/6/2003	Information technology, construction professional services, business assessment, project management, internet & intranet assessment, technology training and support
Builders Square Construction Corp.	MBE	9/30/2003	General contractor specializing in rehab
Burrows Travel Group, The	MBE	8/13/2003	Travel agency
Cabinet Concepts, Inc.	FBE	8/27/2003	Custom cabinetry and millwork
Cahlik Electric, Inc.	FBE	8/9/2003	Electrical contractor
Career Connections Staffing Services, Inc.	FBE	9/4/2003	Professional employee services specializing in information technology and medical staffing

Carnegie Plastics Cabinetry, Inc.	MBE	8/19/2003	Manufacturer specializing in custom laminated and solid surface countertops, cabinets, vanities and shelving for commercial and residential customers
Caver Brothers, Inc.	MBE	7/9/2003	Landscaping: planting of trees and shrubs, maintenance for residential and commercial property
CCS Training Services, Inc.	MBE/FBE	8/18/2003	Consultant for skill building, training programs, organization development, wellness programs
Central Engineering, Inc.	MBE	8/6/2003	Civil engineer: Highway & bridge design: utility design including water sewer, drainage, structures, bridge & construction inspection & surveying
Chainlinks Services Handyman for You	MBE	9/25/2003	General contractor specializing in carpentry and painting
Chem-Ty Environment, Inc.	MBE/FBE	7/25/2003	General contractor specializing in asbestos, lead remediation and consulting, hazardous material consultant; rehab work; underground storage tank installer
Clarktel Communications Corp.	MBE	7/3/2003	Installation of business telephone systems, service upgrades, including adding, moving, and changing phones; consulting; cable installation
Cogen Construction	MBE	9/19/2003	General contractor specializing in carpentry and drywall
Coleman Trucking, Inc.	MBE	9/29/2003	Asbestos abatement contractor including consulting, inspection for encapsulation and removal; lead abatement, mechanical dismantling and interior wrecking
Commercial Tile & Stone, Inc.	FBE	8/25/2003	Furnish & install ceramic tile, quarry tile, pavers, marble & granite; handset stone only
Copy King, Inc.	MBE	8/13/2003	Reproduction of texts and photos including graphic design
Cosmos Industrial Services, Inc.	FBE	9/4/2003	General contractor specializing in industrial & commercial painting, sheeting, lead & asbestos abatement, sandblasting, foam insulation
CYA Plumbing, Inc.	FBE	9/17/2003	Plumbing contractor
Cynergies Technology Solutions, Inc.	FBE	9/24/2003	Information technology solutions and staffing, temporary and permanent
Cyngier Systems Management, Inc.	FBE	7/16/2003	General contractor specializing in HVAC, electrical, plumbing, hydronics, refrigeration
Daniel's Electric & Construction, Inc.	MBE	8/6/2003	General contractor doing business as electric contractor for heating, air conditioning, installation and repairs, including refrigeration
David G. Hill & Associates, Co., LPA	MBE	9/9/2003	Legal services
Debt Credit Services & Associates, Inc.	MBE/FBE	9/22/2003	Full service collection agency
Designer Walls, Inc.	FBE	8/25/2003	Commercial painting and wallcovering contractor
Development & Management Co., Inc.	MBE	8/29/2003	Contractor specializing in rehab-commercial and construction management
Dynamic Market Management	MBE/FBE	7/17/2003	Project management, market research, surveys
E & O Construction Co.	MBE	9/30/2003	General contractor specializing in remodeling, rehabilitation, maintenance and carpentry of commercial & residential properties
E.B. Advanced, P.C.	MBE	9/8/2003	Consultant: Engineering services
English Concessions dba Fins & Feathers, Inc.	MBE	9/19/2003	Institutional and social catering; food distribution, concession management
Environmental Control Laboratories	MBE	7/8/2003	Environmental testing for water, wastewater, soil, solid waste, hazardous materials, asbestos sampling
Finest Builders, Inc.	MBE/FBE	8/13/2003	General contractor specializing in renovations, carpentry, drywall, painting, concrete, asphalt and roofing
Firstech, Inc.	MBE	8/6/2003	Environmental analytical laboratory testing and research
Focus Coaching & Consulting, Inc.	FBE	9/23/2003	Consultant for skill building, training programs and organization development
Forest City Erectors, Inc.	FBE	8/11/2003	General contractor specializing in crane services, rigging and steel erection
Friedel Trucking Company, Inc.	FBE	7/22/2003	Trucking and hauling
Future Unlimited, Inc.	FBE	9/6/2003	Permanent placement, recruitment and temporary staffing
G. Stephens, Inc.	MBE	7/2/2003	General contractor specializing in demolition & site development, concrete work, carpentry, management services, construction management & compliance
Gateway Electric, Inc.	MBE	8/21/2003	Electrical contractor
Genley Transfer, Inc.	MBE	9/15/2003	Dump truck hauling

H.C. Painting Company	MBE	7/9/2003	Painting: exterior and interior painting, wall coverings
H.S. Development Corporation	MBE	7/2/2003	General contractor specializing in carpentry work
Haynes Manufacturing Company	FBE	9/15/2003	Manufacturing lubricants: pharmaceutical, food, cosmetics and other related industries
Hunsi Group, Inc.	MBE	7/3/2003	General contractor specializing in rehab
I Source Performance Materials	MBE	9/8/2003	Warehousing & distribution of industrial maintenance products including bearings, maintenance products, lubricants, adhesives, paints & general purpose cleaners
Identiphoto Company, Ltd.	FBE	7/14/2003	Sales & service of photo id, id systems, cards, badges & id supplies; law enforcement & id software, cameras
Independent Brokers, Inc.	MBE	7/8/2003	Transportation of heavy equipment and services related to heavy equipment
Infrastructure Services, Inc.	MBE	7/3/2003	Engineering services: civil, structural, inspections, drafting and surveying
Inglesi Asphalt & Cement	MBE/FBE	9/23/2003	General contractor for concrete finishes for residential driveways
Ink Well, The	MBE/FBE	8/20/2003	Full service printing including binding, die cutting, etc.
J & L Laboratories, Inc.	MBE	9/8/2003	Geotechnical engineering services, subsurface investigations, materials testing & construction inspection
J. Stevens Construction, Inc.	MBE	7/1/2003	General contractor specializing in residential and commercial carpentry
Jags Enterprise	MBE/FBE	7/31/2003	Court stenography services
JEKS Builders, Inc.	FBE	9/5/2003	General contractor specializing in construction of new homes, commercial buildings, rehab; construction management
Jones Equipment, Inc.	FBE	9/8/2003	Supplier: truck bodies, plows, mowers, spreaders, tools, related parts including service and parts
JVS Interiors, Inc.	FBE	8/6/2003	General contractor specializing in metal framing, drywall, acoustical and carpentry
Kemron Environmental Services, Inc.	MBE	8/7/2003	Environmental testing & analysis: compliance, field sampling, NEPA services, groundwater & wastewater services, geo probe, engineering services and sampling
KEMS Construction Co., Inc.	MBE	7/16/2003	General contractor specializing in residential construction and rehabilitation including carpentry and painting
L & B Electrical	MBE	9/3/2003	Electrical contractor
L.C. Electrical Services	MBE	9/19/2003	Contractor specializing in all levels of electrical work
Lakeland Electric Supply Co., Inc.	FBE	7/2/2003	Electrical supplier
Landmark Plumbing, Inc.	FBE	9/9/2003	Plumbing contractor
LEH, Inc.	MBE	7/22/2003	Commercial cleaning: large building, exterior & interior; detailed office cleaning (buffing, vac, steel cleaning, stairways); new home preparation interior cleaning (windows, floors)
Lewis Electric	MBE	8/19/2003	Electrical contractor-install and maintain electrical equipment and devices
Lightning General Demolition Contractors	MBE	7/16/2003	General contractor specializing in demolition, sewer and rehab of residential buildings; trucking: hauling 7 asbestos abatement
Logical Services, Inc.	MBE/FBE	8/20/2003	Vehicle services: CDL drivers, installation of accessories for vehicles, HVAC contractor
Lorig Mechanical, Inc.	FBE	7/16/2003	Mechanical contractor: commercial sprinkler and HVAC installation
Lynda J. Gillinov & Associates, Inc.	FBE	7/9/2003	Real estate appraiser and financial planner
M & R Enterprises, Inc.	MBE	7/2/2003	General contractor specializing fire protection, cleaning sewer pipes, video inspection of culvert & sewer pipes, on-site management & disposal of sludge & debris
Mahoney Design, Inc.	MBE	9/8/2003	Graphic design, digital printing, web design, marketing
Media Impressions	FBE	7/29/2003	Media planning and buying services
MGL, Inc.	MBE	9/9/2003	Supplier: janitorial and cleaning supplies
ML Warner Architects, Ltd.	FBE	7/29/2003	Architectural services
Mohawk Re-Bar Services, Inc.	MBE	9/15/2003	Install and fabricate reinforcing bars
Mountaineer Title Agency, Inc.	FBE	8/4/2003	Real estate title services: titles, escrow, etc.
Myldred Boston Howell Realty, Inc.	MBE/FBE	8/5/2003	Real estate broker
Natural Comfort Systems	MBE	9/16/2003	HVAC Contractor

New Dimensions	FBE	9/23/2003	Supplier of janitorial products
North American Mechanical	FBE	7/17/2003	Mechanical contractor/HVAC/ temperature control
North Shore Door Company, Inc.	FBE	7/1/2003	Sales, service, installation of overhead doors, automatic sectional, rolling, fire rated
Northcoast Business Systems, Inc.	MBE	9/8/2003	Sales & service of facsimile machines and copiers
Northcoast Mechanical Company	MBE	7/1/2003	HVAC contractor; also installation of fire sprinklers
OCS Process Systems	FBE	9/15/2003	Engineering and installation of food process systems
Office Facility Management Corporation	MBE/FBE	9/8/2003	Consultant: on-site facilities management services
Orion Painting & Contracting, Inc.	FBE	8/1/2003	Commercial painting contractor including painting, prep of structural steel, sandblasting, lead abatement, concrete patching and sealing
Oxbow Engineering, Inc.	FBE	7/31/2003	Civil engineering design services, including, highway design, traffic, water lines storm and sanitary designs
Ozanne Construction Co., Inc.	MBE	7/22/2003	General contractor: site facilities and management services; construction management; carpentry and general labor
P & L Industries, Inc.	FBE	9/11/2003	HVAC contractor
Pardo Consultants, Inc.	MBE	9/11/2003	Engineer consulting & management services: HVAC, plumbing, fire protection, mechanical & electrical
Patricia T. Hill, MBA	MBE/FBE	9/5/2003	Insurance: casualty, property, bonds, life, health, group annuities, risk management
Patrician Company	MBE	8/7/2003	HVAC contractor: industrial installation, installation of fire protection systems
Pinkney-Perry Insurance Agency	MBE	7/15/2003	General insurance agency
Plantscaping, Inc.	FBE	9/8/2003	Interior plant and floral contracting and maintenance service
Polk Photography	MBE	9/30/2003	General photography services including stills, weddings, industrial, commercial, and editorials
Pollmet, Inc.	MBE	9/9/2003	Market analysis, survey research, polling, staff development, focus group studies
PS Promotions	FBE	8/24/2003	Advertising and promotional items
R & P Mechanical Corp.	MBE	8/19/2003	General contractor specializing in plumbing and installation of fire protection systems; concrete work
Ribway Engineering Group, Inc.	MBE	7/22/2003	Engineering and construction specializing in civil, environmental, water & wastewater transportation, mechanical & structural engineering
RMC, Inc.	MBE	7/2/2003	Construction management; underground water main repair, fire hydrant installation and other emergency repairs on water mains and appurtenances
Robert P. Madison, Inc.	MBE	8/29/2003	Professional services: architectural; electrical, structural, and engineering
Robin's Trucking & Supply Co.	FBE	8/2/2003	Trucking
Rubystone Companies, Inc.	MBE	8/19/2003	General contractor specializing in masonry, carpentry, concrete and drywall work
Ruccella Construction, Inc.	MBE	7/2/2003	General Contractor specializing in sprinkler systems, carpentry, site development & excavation, mechanical, HVAC, masonry, concrete, underground utilities; buildings: conventional & pre-engineered, highway construction
Samsel Supply Company	FBE	7/14/2003	Full service marine supplier including fabrication for lifting, rigging, etc. and canvas shop
Secretariat Company	FBE	8/29/2003	Secretarial services including transcriptions, word processing, correspondence and documentation preparation, editing, copying and fax services
See-Ann-Inc.	FBE	8/19/2003	Furnish and erect structural and miscellaneous fabricated steel
Short Steel Erection, Inc.	MBE	8/21/2003	Contractor: reinforcing steel erection, structural steel erection & welding; and structural iron jobs
Sierra Lobo, Inc.	MBE	8/21/2003	Engineering Labs: commercial research, professional engineering and cryogenic technology
SKM Creations, Inc.	MBE/FBE	7/17/2003	Printing desktop, commercial graphics, social papers
SMS Business Media, Inc.	FBE	9/15/2003	Supplier: custom business forms
Snavely Construction, Inc.	FBE	8/7/2003	General contractor, construction management and property management

Studio Graphique, Inc.	FBE	8/24/2003	Graphic design agency: corporate identity programs, environmental graphic, signage design, marketing campaigns, web design and promotional materials
Suburban Medical Laboratory, Inc.	FBE	7/2/2003	PH medical laboratory, wellness program
Superior Fence & Building	MBE	7/3/2003	Installing and/or repairing fences
Terrell & Associates	MBE/FBE	7/15/2003	Planning, organizational, management, strategic, communication planning, business development, project management, & public affairs issues management
TG Consulting, Inc.	FBE	9/16/2003	Scheduling services for construction projects including highway and building
Tower City Title Agency, Inc.	FBE	8/25/2003	Title insurance, searches, filing of mortgage deeds & property reports, escrow
Traffic Control Products, Inc.	FBE	8/12/2003	Traffic signals and controls: traffic counters, computerized traffic systems
Triple Lady's Agency, Inc. dba TL Express	FBE	9/10/2003	Freight trucking services
Ultra Printing & Design, Inc.	FBE	8/9/2003	Full service printer; offset printing, continuous forms, design, typesetting, illustration, translation
Van Auken Akins Architects	FBE	9/12/2003	Architectural and interior design services
VanHala Industrial Inc.	FBE	8/26/2003	Supplier: digital & bubbler systems, dryers, filters, elements; provide ultrasonic inspection systems
Vital Resources, Inc.	FBE	7/9/2003	Information technologies computer services including project management, software dev., network, analysis, testing, training and programming
Washington Insurance Agency, Inc.	MBE	9/9/2003	Insurance agency: multi lines, life, health, auto, commercial, homeowners and group
Western Reserve Interiors, Inc.	FBE	7/1/2003	General contractor specializing in drywall, metal studs, taping, insulation, carpentry and exterior framing systems
Western Waterproofing Co., Inc.	FBE	9/12/2003	Building restoration, concrete restoration, waterproofing, caulking & dampproofing
Wilco Information Management	MBE	9/8/2003	Software systems integration and design. Software development, project management; education and training
Wintrow Construction Corp.	FBE	8/8/2003	Full service railroad contractor
World Waste	MBE	8/6/2003	Dump truck and trash removal for commercial, industrial & construction business
Wright, Richardson Company, Inc.	MBE	8/6/2003	CPA: accounting, auditing, management & financial consulting services
Your Construction Co., LLC	MBE	9/19/2003	Commercial, residential and industrial painting

**MBEs/FBEs DELETED FROM OEO'S DATABASE
Third Quarter, 2003**

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

MBE/FBE	Company
FBE	City Blue Printing Co.
FBE	Decknicians, Inc.
FBE	Dewey Renovation, Inc.
FBE	Gatewood Design Works
FBE	GWN Consultants, Inc.
FBE	Hardlines Design Company
FBE	Imperial Waterproofing, Inc.
FBE	M.J. Industrial Supply
FBE	National Coatings, Inc.
FBE	Nordonia Building Products, Inc.
MBE	Cook Paving and Construction Co., Inc.
MBE	D'Ville Construction, Inc.
MBE/FBE	D. Thigpen & Associates, Inc.
MBE/FBE	E-ProToCall Marketing Solutions
MBE/FBE	Star Glass and Fine Art
MBE/FBE	Yelder Staffing, Inc.

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1943-03.

By Council Member Conwell.

An emergency resolution designating October 6th through October 10th, 2003 as "Disability Awareness Week".

Whereas, October is National Disability Awareness Month; and

Whereas, Murtis H. Taylor Center of Cleveland is working with chairs Mayor Jane Campbell, Council member Kevin Conwell, and Commissioner Peter Lawson Jones to organize the City of Cleveland's second annual "Disability Awareness Week" to be held from October 6th through October 10th of this year; and

Whereas, the purpose of this event is to sensitize and educate the community about people with disabilities, to link caregivers and disabled persons with community resources, to promote awareness of children and adults with special needs; to foster respect and empathy throughout the community for those living with special needs and to acknowledge community leaders who have overcome challenging life circumstances to make our community a better place; and

Whereas, the events will include three community education and awareness forums, a youth education art contest and a youth education essay contest; and

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

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

Section 1. That this Council hereby designates October 6th through 10th, 2003 as "Disability Awareness Week" in the City of 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.

Adopted October 6, 2003.

Effective October 8, 2003.

Res. No. 1944-03.

By Council Member Reed.

An emergency resolution expressing this Council's commitment to working with the Administration to balance the budget; encouraging the Administration to consider what is morally correct and in the best interests of the citizens of Cleveland when considering settlement agreements; and requesting that the Administration provide Council with notice of any and all settlement agreements before execution of such agreements.

Whereas, the City of Cleveland is encountering lower than expected tax revenues; and

Whereas, the Finance Director is projecting a \$3.2 million dollar budget deficit this year; and

Whereas, the Finance Department is projecting a \$50 million dollar budget deficit next year; and

Whereas, while budget considerations are important in considering and negotiating settlement agreements, the Administration should also consider what is morally correct and in the best interests of the citizens; and

Whereas, such consideration requires the Administration to review and evaluate the effect a proposed settlement agreement may have on the neighborhoods of the City and the citizens who live in the neighborhoods; and

Whereas, such consideration requires the Administration to carefully review the factual circumstances of each case to determine if settlement is an appropriate option and furthers the City's obligation to provide efficient services to the citizens of the City; and

Whereas, the Administration recently decided to reinstate two employees with back pay; and

Whereas, the back pay to be provided to each employee is more than \$360,000 for a total of \$720,000; and

Whereas, this reinstatement occurred after the Administration's decision to withdraw an appeal of an arbitrator's decision ordering reinstatement of the employees; and

Whereas, this Council is concerned about this decision, and any future settlement decisions, as these decisions affect the City's budget; and

Whereas, this Council is concerned about any similar settlements being negotiated or under consideration by the Administration; and

Whereas, this Council and the Administration must work together to balance the budget and address budget deficit issues; and

Whereas, in order to do so, it would be appropriate for this Council to receive notice of proposed settlement agreements; and

Whereas, this Council is concerned that further settlement of cases, including labor cases involving termination for residency violations, will only enhance the City's current financial difficulties and increase the likelihood of layoffs; and

Whereas, this Council, for the reasons stated in this resolution, finds it necessary to request that the Administration carefully consider the appropriateness of settling current litigation and requests that the Administration provide Council with notice of proposed settlement agreements; 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 expresses its commitment to working with the Administration to balance the budget in a manner that is beneficial to the citizens and taxpayers of the City of Cleveland.

Section 2. That this Council hereby encourages the Administration, when considering settlement agreements, to consider what is morally correct and in the best interests of the citizens and taxpayers of the City.

Section 3. That this Council hereby requests that the Administration provide Council with notice of any and all settlement agreements before execution of such agreements.

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

Adopted October 6, 2003.

Effective October 16, 2003, without the signature of the Mayor.

Res. No. 1945-03.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of C2 and C2X Liquor Permit at 12916 Forest Avenue, 1st Floor and Basement and repealing Resolution No. 1327-03, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 12916 Forest Avenue by Resolution No. 1327-03 adopted by the Council on July 16, 2003; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Applicant, Joycelyn Henry, Owner of T & J Beverage Company, DBA T & J Beverage Store, 12916 Forest Avenue, Cleveland, Ohio 44120, Permanent Number 87731650005, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 12916 Forest Avenue be and the same is hereby withdrawn and Resolution No. 1327-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 6, 2003.

Effective October 8, 2003.

Res. No. 1946-03.**By Council Member Britt.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit at 2892 East 116th Street and repealing Resolution No. 1130-03, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 2892 East 116th Street by Resolution No. 1130-03 adopted by the Council on June 9, 2003; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon and pursuant to a cooperation agreement by and through City Council Representative, Kenneth L. Johnson and Applicant, Hussein Harmouche, President, S & H Grocery, Inc., DBA Foodtown Supermarket, 2892 East 116th Street, Cleveland, Ohio 44120, Permanent Number 7645440, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 2892 East 116th Street be and the same is hereby withdrawn and Resolution No. 1130-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 6, 2003.

Effective October 8, 2003.

Res. No. 1948-03.**By Council Member Zone.**

An emergency resolution encouraging the Board of Education of the Cleveland Municipal School District to change its recently approved meeting schedule to a schedule that is more convenient for the community and parents of Cleveland Municipal School District students and encouraging the Board of Education to provide advance copies of the Board agenda prior to the Board meeting and to post the agenda on its web-site.

Whereas, the Board of Education of the Cleveland Municipal School District is responsible for establishing policies, approving the budget, establishing goals and accountability standards, and promoting parent, family, and community involvement in the schools; and

Whereas, the Board of Education's web-site encourages parents and the community to attend Board meetings; and

Whereas, the Board of Education provides for public participation in order to hear community concerns; and

Whereas, the Board of Education recently changed its meetings schedule; and

Whereas, Board of Education meetings are now held once a month instead of twice a month; and

Whereas, the date and week of a Board of Education meeting varies from month to month; and

Whereas, the Board of Education meetings begin at 4:00 p.m. instead of 6:30 p.m.; and

Whereas, these scheduling changes present obstacles that make it difficult for the community and parents of Cleveland Municipal School District students to attend meetings; and

Whereas, the previous Board of Education meeting schedule was more convenient for the community and parents and thereby provided an opportunity for the public input; and

Whereas, this Council is concerned that the meeting schedule recently approved by the Board of Education fails to provide the public with a reasonable opportunity to attend and participate in the Board of Education's meetings; and

Whereas, this Council encourages the Board of Education to change its meeting schedule to a schedule that is similar to the previous schedule; and

Whereas, this Council also encourages the Board of Education to provide copies of the Board meeting agenda to interested parties prior to the start of the Board meeting and to post the agenda on its web-site as these efforts will notify the community and parents of issues to be discussed and reviewed by the Board of Education; and

Whereas, advance notice of agenda items will increase public awareness and the opportunity for public participation; 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 encourages the Board of Education of the Cleveland Municipal School District to change its recently approved meeting schedule to a schedule that is more convenient for the community and parents of Cleveland Municipal School District students.

Section 2. That this Council also encourages the Board of Education to provide copies of the Board meeting agenda to interested parties prior to the start of the Board meeting and to post the agenda on its web-site.

Section 3. That the Clerk of Council is hereby directed to transmit a copy of this resolution to Barbara Byrd Bennett, CEO of the Cleveland Municipal School District, and to each Member of the Board of Education.

Section 4. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Adopted October 6, 2003.

Effective October 16, 2003, without the signature of the Mayor.

Res. No. 1949-03.**By Council Members Lewis and Jones.**

An emergency resolution encouraging the Cuyahoga Support Enforcement Agency to work with agencies and entities withholding child support to develop a procedure whereby child support payments are forwarded to Cuyahoga Support Enforcement Agency in a timely manner and encouraging the Cuyahoga Support Enforcement Agency to cease the suspension of driver's licenses until such time as a procedure is established to ensure that driver's licenses are not erroneously suspended.

Whereas, the Ohio Department of Job and Family Services and the Office of Child Support is responsible for collecting and disbursing child support payments; and

Whereas, the Cuyahoga Support Enforcement Agency is responsible for enforcing child support orders and collecting and disbursing child support within Cuyahoga County; and

Whereas, the Cuyahoga Support Enforcement Agency receives child support dollars from agencies and entities that withhold child support dollars from the pay of individuals responsible for paying child support; and

Whereas, if these child support dollars are not promptly forwarded to child support enforcement agencies, an individual responsible for paying child support may be considered in default even though the child support dollars were removed from the individual's pay; and

Whereas, child support enforcement agencies in Ohio have the authority to suspend a driver's license for failure to pay support; and

Whereas, prior to the suspension of a driver's license, a child support enforcement agency is required to send an "Advanced Notice of Default" to the individual responsible for paying child support; and

Whereas, City of Cleveland residents have contacted this Council regarding the suspension of their driver's licenses for failure to pay child support; and

Whereas, these residents have indicated that they were not given the required notice; and

Whereas, these residents have indicated that they are currently making child support payments; and

Whereas, for many of these residents, a valid driver's license is necessary to ensure job continuation; and

Whereas, these residents were informed that their driver's licenses were suspended as a result of a computer error; 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 encourages the Cuyahoga Support Enforcement Agency to work with agencies and entities withholding child support to develop a procedure whereby child support payments are forwarded to Cuyahoga Support Enforcement Agency in a timely manner.

Section 2. That this Council also encourages the Cuyahoga Support Enforcement Agency to cease the suspension of driver's licenses until such time as a procedure is established to ensure timely receipt of child support payments and the necessary safeguards and precautions are in place to ensure that driver's licenses are not erroneously suspended.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to Ohio Governor Bob Taft, Tom Hayes, Director, Ohio Department of Job and Family Services, Joseph J. Pilat, Deputy Director, Office of Child Support, and Cassandra McArthur, Director, Cuyahoga Support Enforcement Agency.

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

Adopted October 6, 2003.

Effective October 8, 2003.

Ord. No. 817-03.

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

An emergency ordinance authorizing the Director of the City Planning Commission to enter into a Memorandum of Understanding with the Cleveland Cuyahoga County Port Authority and various leases, agreements and amendments necessary to effectuate the purpose of the Memorandum of Understanding.

Whereas, the City of Cleveland's Lakefront Plan Initiative and the continued viability and growth potential for the Cleveland-Cuyahoga County Port Authority (the "Port Authority") are both critical to the development and diversification of the greater Cleveland community, and the following transactions carry out those objectives; and

Whereas, in exchange for the Port Authority's early vacation of City Dock 32 and conveyance to the City of certain real property known as the Old River Property, the City is willing to extend the lease term on City Docks 24 and 26 ("Vacation/Extension Component"); and

Whereas, upon the Port Authority's acquisition of certain property

located north of the Norfolk Southern rail lines and bounded by the Cuyahoga River to the east, the Cleveland Bulk Terminal to the west, and the breakwaters of the Port of Cleveland to the North in Cleveland, Ohio (the "Whiskey Island Property"), the Port Authority agrees to (i) lease to the City the Whiskey Island Marina (western half of the Whiskey Island Property) for three (3) years, (ii) convey the eastern half of the Whiskey Island Property to the City, and (iii) create and maintain a one hundred (100) foot scenic buffer space, (the "Whiskey Island Project Component"); and

Whereas, in consideration for the Port Authority completing the Whiskey Island Project Component, the City will reduce the Port Authority's rent on Dock 24 and 26 (the "Rent Reduction Component"); and

Whereas, to evidence the understanding of the Port Authority and the City with respect to the Vacation/Extension Component, the Whiskey Island Project Component, and the Rent Reduction Component, the parties desire to enter into a Memorandum of Understanding, various leases, purchase agreements and any other agreements necessary to effectuate the above transactions and objectives; and

Whereas, the Vacation/Extension Component and the Rent Reduction Component are in compliance with Section 45 of the Charter of 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 the Director of the City Planning Commission is authorized to enter into a Memorandum of Understanding ("MOU") with the Cleveland-Cuyahoga County Port Authority ("Port Authority") memorializing benefits and obligations contained in the Vacation/Extension Component, the Whiskey Island Project Component, and the Rent Reduction Component. The Memorandum of Understanding shall be substantially similar to the copy placed in File No. 817-03-B. The Director of the City Planning Commission is further authorized to enter into various agreements necessary to carry out the purposes of the MOU, including but not limited to the following: a three-year marina lease and operating agreement for the Whiskey Island Marina ("Marina Lease and Operating Agreement"), a purchase agreement for the Old River Property ("Old River Property Purchase Agreement"), a purchase agreement for the eastern portion of Whiskey Island ("Eastern Whiskey Island Purchase Agreement"), and various amendments to the City's Dock Leases with the Port Authority to provide for the vacation, extension and a reduction in rent for certain dock spaces.

Section 2. 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 the City Planning Commission is authorized to enter into a Marina Lease and Operating Agreement with the Port Authority for the consideration authorized in the MOU, under the terms and conditions memorialized in the MOU, which terms and conditions include the lease of a marina to the City.

Section 3. That the term of the Marina Lease and Operating Agreement authorized by Section 2 of this ordinance shall not exceed three years after which time the Marina will be closed and used for commercial maritime operations by the Port Authority.

Section 4. That the Marina Lease and Operating Agreement may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies and the Director of the City Planning Commission may enter into the Old River Property Purchase Agreement, provided that additional legislative authority is obtained from this Council, with the Port Authority for the conveyance to the City of approximately nine (9) acres of certain real property presently owned by the Port Authority on real property which is known as the Old River Property for the consideration outlined in the MOU. Prior to the conveyance of the Old River Property to the City, the Director of the City Planning Commission shall report to this Council on the results of the Phase I and Phase II environmental studies.

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies and the Director of the City Planning Commission are authorized to enter into the Eastern Whiskey Island Purchase Agreement with the Port Authority for the conveyance to the City of its ownership and leasehold interest of property located on the eastern side of Whiskey Island for use as a public park in perpetuity that will include the creation and maintenance of a one hundred (100) foot scenic buffer space by the Port Authority, which space is shared fifty (50) feet/fifty (50) feet between the Port's Whiskey Island property and the City's Eastern Whiskey Island property. The consideration for this transaction is outlined in the MOU.

Section 7. That the Director of the City Planning Commission is authorized to execute on behalf of the City all necessary documents to acquire the above properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the Old River Property and Eastern Whiskey Island Property.

Section 8. That, pursuant to the conditions and consideration outlined in the MOU, the Director of the City Planning Commission is authorized to enter into an amendment to the Dock Lease Agreement between the City and Port Authority dated April 25, 1988, (the "Dock Lease Agreement") affecting Docks 24 and 26, to extend the term of the lease for an additional fifteen years, terminating in 2043.

Section 9. That, pursuant to the conditions outlined in the MOU, the Director of the City Planning Commission is authorized to enter into an amendment to the Dock Lease Agreement, to reduce the amount of the rent paid by Port Authority by \$250,000 per year on Docks 24 and 26, beginning on the date the Port Authority conveys its ownership and leasehold interest in the Eastern Whiskey Island Property to the City under the terms of the MOU.

Section 10. That the Director of the City Planning Commission is authorized to terminate the Dock Lease Agreement affecting Dock 32, on or before January 1, 2004, unless the parties mutually agree to extend the date and to assume a lease agreement between the Browns Stadium and the Port Authority for parking spaces on Dock 32.

Section 11. That the MOU placed in the file identified in this ordinance and all documents and agreements necessary to complete the MOU, including but not limited to a Marina Lease and Operating Agreement, the Old River Purchase Agreement, the Eastern Whiskey Island Purchase Agreement and various amendments to the City's Dock Leases shall be prepared by the Director of Law and shall contain, in addition to the terms and conditions stated in the MOU, such additional terms and conditions necessary to protect and benefit the City of Cleveland.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1173-03.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on the south side of Cooley Avenue to Kymberly M. Torres.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the south side of Cooley Avenue; 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 found and determined that the following described property is no longer needed for public use:

Permanent Parcel 018-21-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Township Section 11, and further known as being part of Sublot Nos. 1256, 1257, 1258 and 1259 in the Crawford Land Company's Subdivision No. 3, as recorded in Volume 64, Page 30, of Cuyahoga County Map Records and bounded and described as follows:

Beginning at a point in the Southerly line of Cooley Avenue, S.W. (formerly Highland Drive) at a point located 6.86 feet Southeasterly, measured along said Southerly line of Cooley Avenue, S.W. from the Northwesterly corner of said Sublot No. 1256; thence South 77° 15' 17" East along said Southerly line of Cooley Avenue S.E., 46.10 feet; thence continuing Easterly along the Southerly line of Cooley Avenue S.W. on an arc of a circle deflecting to the left 149.18 feet to a point in the prolongation Northerly of the Westerly line of Sublot No. 1320 in said Crawford Land Company's Subdivision No. 3 said circle having a radius of 1216.16 feet, said arc having a chord of 149.09 feet and bearing South 80° 46' 08" East; thence South 00° 44' 50" West along said prolongation of the Westerly line of Sublot No. 1320, 6.91 feet to the Northwest corner of said Sublot No. 1320; thence South 56° 05' 24" West along the Southeasterly line of Sublot Nos. 1259, 1258 and 1257, 127.68 feet to the Southwest corner of said Sub Lot No. 1257; thence North 89° 14' 10" West, 53.72 feet to a point 6.28 feet Easterly, measured along said Southerly line of Sublot No. 1256 from the Southwesterly corner thereof; thence North 16° 10' 51" West 116.11 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions of record, easements of record and Zoning Ordinances.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Kymberly M. Torres at a price not less than fair market value as determined by the Board of Control, taking into account such restrictive covenants and reversionary interests as are deemed necessary or appropriate.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1192-03.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Fern Court, East of West 22nd Place to Cleveland Housing Network.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at Fern Court, East of West 22nd Place; 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 found and determined that the following described property is no longer needed for public use:

Permanent Parcel No. 008-26-045

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Sublot Nos. 16 and 17 and Block M, in the H.E. Foster Reallotment of a part of Original Brooklyn Township Lots No. 65 and 74 as recorded in Volume 18, page 16 of Cuyahoga County Map Records, and also a part of Sublot No. 135 in the J.M. Curtiss Park Addition, as recorded in Volume 13, page 39 of said records, and bounded and described as follows:

Beginning at a monument on the Northerly line of Denison Avenue and at the Southwest corner of said Sublot No. 16 in the Foster Reallotment; thence North 2° 30' 30" West along the West line of said Sublot No. 16, 120 feet to a monument at the Northwest corner thereof; thence South 87° 29' 30" West along the South line of Block M in said Foster Reallotment, 462 feet to a monument at the Northwest corner of Sublot No. 5 in said Foster Reallotment; thence North 2° 30' 30" West 30 feet to a monument at the Northwest corner of Sublot No. 125 in the said Curtiss Park Addition; thence North 1° 32' 35" West along the West line of said Block M in the Foster Reallotment, 59.31 feet to a monument on the South line of Fern Court, S.W.; thence North 88° 25' 05" East long the South line of said

Fern Court, S.W., 489.89 feet to a monument in the Westerly line of Sublot No. 135 in the said Curtiss Park Addition, thence North 10° 48' 30" West along the Westerly line of said Sublot No. 135, 46.50 feet to a monument at the Northwest corner thereof; thence North 79° 11' 30" East along the Northerly line of said Sublot No. 135, 50 feet to a monument at the Northeast corner thereof; thence South 10° 48' 30" East along the Easterly line of said Sublot No. 135, 130 feet to a monument at the Northeast corner of Sublot No. 17 in the Foster Reallotment; thence South 79° 11' 30" West along the North line of said Sublot No. 17, 42 feet to a monument; thence South 10° 48' 30" East parallel with the East line of said Sublot No. 17, 120 feet to a monument on the Northerly line of Denison Avenue; thence South 79° 11' 30" West along the Northerly line of said Denison Avenue, 8 feet to a monument at the Southwest corner of said Sublot No. 17; thence South 89° 29' 30" West along the North line of said Denison Avenue, 58.20 feet to the place of beginning, according to a survey made March 15th, 1916 by the Lander Engineering Co.

Subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Cleveland Housing Network at a price not less than fair market value as determined by the Board of Control, taking into account such restrictive covenants and reversionary interests as are deemed necessary or appropriate.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed October 6, 2003.
Effective October 8, 2003.

Ord. No. 1194-03.
By Council Members Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located between East 90th and East 91st Street, north of Wade Park Avenue to Glenville Church of Christ (Holiness).

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located between East 90th and East 91st Street, north of Wade Park Avenue; 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 found and determined that the following described property is no longer needed for public use:

Permanent Parcel 107-15-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the easterly 90 feet of Sublot No. 39 in Edward G. Bigalke's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 25 of Maps, Page 21 of Cuyahoga County Records and being 34.04 feet front on the westerly side of East 91 Street and extending back 90 feet deep on the northerly line, 90 feet deep on the southerly line and having a rear line of about 33.83 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel 107-15-219

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 1 in Cody Brothers' Allotment of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 16 of Maps, Page 28 of Cuyahoga County Records, and part of Sublot No. 39 in Edward G. Bigalke's Subdivision of part of Original One Hundred Acre Lot No. 384, as shown by the recorded plat in Volume 25 of Maps, Page 21 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Easterly side of East 90th street, at the Northwest corner of Sub Lot No. 101; thence Southerly along said Easterly line of East 90th Street, 25 feet to the Northwesterly corner of a parcel of land conveyed to Mandell Edwards and Louise Edwards by deed dated April 5, 1954 and recorded in Volume 8039, Page 241 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Mandell Edwards and Louise Edwards, about 48.795 feet to the Easterly line of Sublot No. 101, as aforesaid; thence Southerly along said Easterly line to the Southwesterly corner of Sublot No. 39; thence Easterly along the Southerly line of said Sublot No. 39, 12.79 feet to the Southwesterly corner of the second parcel of land conveyed to Henry J. Berger by deed dated October 4, 1954 and recorded in Volume 8203, Page 117 of Cuyahoga County Records; thence

Northerly along the Westerly line of land so conveyed, about 33.83 feet to the Northerly line of Sublot No. 39; thence Westerly along the Northerly line of Sublot No. 39, 10.72 feet to the Northwesterly corner of said Sublot; thence Southerly along the Westerly line of said Sublot No. 39 to the Northeast corner of Sublot No. 101; thence Westerly along the Northerly line of said Sub Lot No. 101, 50.29 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Glenville Church of Christ (Holiness) at a price not less than fair market value as determined by the Board of Control, taking into account such restrictive covenants and reversionary interests as are deemed necessary or appropriate.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed October 6, 2003.
Effective October 8, 2003.

Ord. No. 1227-03.
By Council Members Rybka, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 7515 Batavia to Gerald Artl.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at 7515 Batavia Avenue; 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 found and determined that the following described property is no longer needed for public use:

Permanent Parcel No. 134-02-044
7515 Batavia Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 11 in the Little and Sykora Subdivision of part of Original One Hundred Acre Lot No 311 as shown by the recorded plat in Volume 5 of Maps, Page 27 of Cuyahoga County Records.

Said Sublot has a frontage of 40 feet on Batavia Avenue and extends back 120 feet between parallel lines, as appears by said plat.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Gerald Arlt at a price not less than fair market value as determined by the Board of Control taking into account such restrictive covenants and reversionary interests, as are deemed necessary or appropriate by the Director.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions, including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1355-03.

By Council Members Zone and Westbrook.

An emergency ordinance to name the Ball Diamond #1 at Michael J. Zone Recreation Center "Coach Smothers Field".

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

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

Section 1. That the name of Ball Diamond #1 at Michael J. Zone Recreation Center located in Ward 17, shall hereafter be named "Coach Smothers Field", and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to affect said name change and to post the proper signs.

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

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1488-03.

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

An emergency ordinance authorizing the Director of Public Service to lease to F.C. Southridge Corp. certain property located at 2020 West 3rd Street for amphitheater parking, for a period of ten years with one ten-year option to renew.

Whereas, the City of Cleveland owns certain property known as 2020 West 3rd Street which is suitable for lease and operation by another party for a public use; and Whereas, F.C. Southridge Corp. has proposed to lease the property from the City; 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 Service is authorized to lease to F.C. Southridge, certain property which is suitable for operation by the F.C. Southridge for the public purpose of providing amphitheater parking, and which is described as follows:

P.P.N. 122-18-020

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot Nos. 231, 232, 233, 234, 251, and part of Sublot Nos. 228, 229, 230, 247, 248, 249 and 250 in S. S. Stone's Survey of Central Tract of part of Original 100 Acre Lot No. 487 and Two Acre Lot Nos. 213 through 220 as shown by the plat recorded in Volume 2, Page 31 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at the intersection of the centerlines of West 3rd Street (70 feet wide) and Harrison Road (60 feet wide);

Thence North 34° 31' 59" West along the centerline of West 3rd Street, 30.00 feet to a point;

Thence South 55° 25' 01" West, 35.00 feet to a 5/8" iron pin set at the intersection of the northwesterly line of Harrison Road and the Southwesterly line of West 3rd Street and being the principal place of beginning of the parcel herein described;

Thence South 55° 25' 01" West along the Northwesterly line of Harrison Road, 200.18 feet to a 5/8" iron pin set on the northeasterly line of West 4th Street (50 feet wide);

Thence North 34° 31' 59" West along the Northeasterly line of West 4th Street, 36.27 feet to a 5/8" iron pin set at the southerly corner of

land conveyed to the City of Cleveland on March 24, 1887 by appropriation from Stephen Smith as Parcel No.3 in Volume C, Page 66 of Cuyahoga County Probate Court Records;

Thence North 22° 29' 27" East along the Southeasterly line of land so conveyed and the Southeasterly line of land conveyed to the City of Cleveland by deed dated April 8, 1886 and recorded in Volume 396, Page 116 of Cuyahoga County Records, 238.62 feet to a 5/8" iron pin set at the easterly corner of land thereon on the Westerly line of West 3rd Street;

Thence South 34° 31' 59" East along the Westerly line of West 3rd Street, 165.98 feet to the principal place of beginning and containing 0.4647 acres of land, as surveyed and described by Edward B. Dudley, P. S. No. 6747 of the Riverstone Company in July, 2003, be the same, more or less but subject to all legal highways.

Note: All 5/8" x 30" iron pins set and capped;

Section 2. That the term of the lease authorized shall not exceed ten years with one option exercisable by the Director of Public Service to renew for an additional ten year period, cancellable on thirty days written notice by the Director.

Section 3. That the property described above shall be leased at fair market value determined by the Board of Control.

Section 4. That the lease may authorize F.C. Southridge to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain terms and conditions that are required to protect the interests of the City.

Section 6. That the Director of Public Service and the Director of Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1500-03.

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

An emergency ordinance to amend Sections 133.09 and 133.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2044-92, passed December 7, 1992, relating to the duties of the Commissioners of Recreation and Park Maintenance 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, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the duties of the Commissioners of Recreation and Park Maintenance and Properties are amended, and for that purpose, Sections 133.09 and 133.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2044-92, passed December 7, 1992, are amended to read as follows:

Section 133.09 Duties and Qualifications of Commissioner of Recreation

The Commissioner of Recreation shall have charge and management of all recreational property and activities of the City, including without limitation playgrounds, ball-fields, tennis courts, skating rinks, Camp George L. Forbes and the operation and maintenance of all City golf courses. The Commissioner shall administer permits under the same terms and conditions as those set forth in Section 133.021 for the use of any property under his charge and management which is not subject to the authority of the Manager of Special Events under Section 133.03. The Commissioner may enter into agreements with the owners of premises in the vicinity of City playgrounds for the storage of playground equipment on such terms and conditions as may be approved by the Board of Control. The Commissioner shall have a degree in recreation, physical education or a related field.

Section 133.11 Duties of Commissioner of Park Maintenance and Properties

The Commissioner of Park Maintenance and Properties shall direct and assist managers and assistant managers in the Division of Park Maintenance and Properties in scheduling daily operations in all phases of ground maintenance for park and recreational areas and all other properties designated by the Director of Parks, Recreation and Properties. The Commissioner shall have charge and management of the City greenhouse, nurseries and cultural gardens, the operation and maintenance of all City cemeteries, and all aspects of the planting, maintenance, removal and disposal of trees, grass, shrubs, ground covers and other vegetation, except at the City golf courses.

Section 2. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, Sections 133.09 and 133.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2044-92, passed December 7, 1992, are repealed.

Section 3. That the concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control

duly filed with the Clerk of Council by the Secretary of the Board of Control immediately on the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1936-03.

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

An emergency ordinance authorizing the Director of the Office of Equal Opportunity to enter into one or more contracts with Ralph Tyler Companies to provide software and database development services necessary to implement the Fannie M. Lewis Resident Employment Law.

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 the Office of Equal Opportunity is authorized to enter into one or more contracts with Ralph Tyler Companies to provide software and database development services necessary to implement the Fannie M. Lewis Resident Employment Law, including document conversion, for the Office of Equal Opportunity, on the basis of its proposal dated September 5, 2003, for the Office of Equal Opportunity. The contracts or contracts shall be paid from Fund No. 11 SF 006, Request No. 100818.

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1937-03.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with MAPSYS System & Solutions for the purchase of hardware and software necessary to upgrade the records management computer system and the computer aided dispatch system, for the for the Division of Police, Department of Public Safety.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than MAPSYS Systems & Solutions. Therefore the Director of Public Safety is authorized to make one or more written contracts with MAPSYS Systems & Solutions on the basis of its proposal dated September 23, 2003, for the purchase of hardware and software necessary to upgrade the following two AS/400 computer systems: the Records Management System and the Computer Aided Dispatch Systems to increase mobile deployment, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Police, Department of Public Safety.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 10 SF 027, RL 132278.

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

Passed October 6, 2003.

Effective October 8, 2003.

Ord. No. 1939-03.

By Council Member Britt.

An emergency ordinance consenting an approving the issuance of a permit for the Juno Jog 5K Run/Walk on October 18, 2003, sponsored by Hermes Sports & 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 Juno Jog 5K Run/Walk, sponsored by Hermes Sports & Events, on October 18, 2003, beginning at East 89th & Euclid, East 89th to Chester, Chester to East 90th, East 90th to Euclid, Euclid to East 101st, East 101st to Ansel, Ansel to MLK, MLK to Mt. Sinai Drive, Mt. Sinai Drive to East 101st, East 101st to Euclid, Euclid to East 89th 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.

Passed October 6, 2003.
Effective October 8, 2003.

Ord. No. 1940-03.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Bench Bar Halloween Run on October 25, 2003, sponsored by Hermes Sports & 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 Cleveland Bench Bar Halloween Run sponsored by Hermes Sports & Events on October 25, 2003, the Run will begin at Ontario & Lakeside, Lakeside to West 3rd, West 3rd to Erieside, Erieside across East 9th to Aviation High School, 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.

Passed October 6, 2003.
Effective October 8, 2003.

Ord. No. 1941-03.
By Council Member Dolan.
An emergency ordinance amending Title and Section 1, of Ordinance No. 1813-03, passed September 15, 2003 as it pertains to the West Park Cleveland Police and Firefighters Memorial through the use of Ward 21 Neighborhood Equity Funds.

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

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

Section 1. That the Title and Section 1, of Ordinance 1813-03, passed

September 15, 2003 is hereby amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Cleveland Public Art, Incorporated for the West Park Cleveland Police and Firefighters Memorial Project through the use of Ward 21 Neighborhood Equity Funds.

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Cleveland Public Art, Incorporated for the West Park Cleveland Police and Firefighters Memorial Project for the public purpose of recognizing the contributions of those individuals who have served in the ranks of the City of Cleveland Police and Fire safety forces through the use of Ward 21 Neighborhood Equity Funds.

Section 2. That the Title and Section 1, of Ordinance No. 1813-03, passed September 15, 2003 is hereby repealed.

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

Passed October 6, 2003.
Effective October 8, 2003.

Ord. No. 1942-03.
By Council Member Johnson.
An emergency ordinance amending Section 2, of Ordinance 394-03, passed March 10, 2003 as it pertains to the Home Repair Program through the use of Ward 4 Neighborhood Equity Funds.

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

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

Section 1. That Section 2, of Ordinance No. 394-03, passed March 10, 2003 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$210,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That Section 2, of Ordinance No. 394-03, passed March 10, 2003 is hereby repealed.

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

Passed October 6, 2003.
Effective October 8, 2003.

Ord. No. 1947-03.
By Council Member Cintron.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Dino Konstantions).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 14: Dino Konstantions at 4607 Clark Avenue.

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

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

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

Passed October 6, 2003.
Effective October 8, 2003.

COUNCIL COMMITTEE MEETINGS

Monday, October 13, 2003
11:00 a.m.

Employment, Affirmative Action and Training Committee: Present in Employment: Lewis, Chair; Conwell, Vice Chair; Coats, Johnson, Reed. *Authorized Absence:* Cintron, Polensek.

2:00 p.m.

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

Tuesday, October 14, 2003
9:30 a.m.

Community and Economic Development Committee: Present in CDED: Gordon, Chair; Cimperman, Vice Chair; Coats, Lewis, Reed, Scott, Zone. *Authorized Absence:* Cintron, Jones.

Wednesday, October 15, 2003
10:00 a.m.

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

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O—Ordinance; R—Resolution; F—File
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