

The City Record

Official Publication of the City of Cleveland

July the Thirty-First, Two Thousand and Two

| | |
|-----------------------------|---------------------|
| Mayor | |
| Jane L. Campbell | |
| President of Council | |
| Frank G. Jackson | |
| Clerk of Council | |
| Valarie J. McCall | |
| 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 | 10513 Clifton Boulevard | 44102 |
| 19 | Dona Brady | 3466 Bosworth Road | 44111 |
| 20 | Martin J. Sweeney | 3632 West 133rd Street | 44111 |
| 21 | Michael A. Dolan | 16519 West Park Road | 44111 |

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

MAYOR – Jane L. Campbell

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

DEPT. OF LAW – Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106
Karen E. Martines, 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 – Joel Nacion, Acting Controller, Room 18
Information Systems Services – Cleo Henderson, Commissioner, 1404 E. 9th St.
Purchases and Supplies – Myrna Branche, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

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

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

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

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

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

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

DIVISIONS: Correction – Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
Environment – Willie Bess, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Health – Dr. Wendy Johnson, Acting Commissioner, Mural Building, 1925 St. Clair Avenue

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – James Glending, Acting Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

DIVISIONS: Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Parking Facilities – Dennis Donahue, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

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

Property Management – Tom Nagle, Commissioner, East 49th & Harvard Recreation – Michael Cox, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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

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

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

DEPT. OF ECONOMIC DEVELOPMENT – Greg Huth, Acting Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Richard F. Horvath, President; Finance Director Betsy Hruby, Secretary; Council President Frank G. Jackson.

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

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Richard F. Horvath; Utilities Director Darnell Brown; Council President Frank G. Jackson.

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

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

MORAL CLAIMS COMMISSION – Law Director, Richard F. Horvath; Chairman; Finance Director Betsy Hruby; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 89

WEDNESDAY, JULY 31, 2002

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CITY COUNCIL

MONDAY, JULY 29, 2002

The City Record

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VALARIE J. McCALL

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

July 24, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 24, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Absent: None.

Others: Myrna Branche, Commissioner Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 439-02.

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bonnie Speed Delivery, Inc. for an estimated quantity of messenger services, all items, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on June 28, 2002, pursuant to the authority of Ordinance No. 341-02, passed April 1, 2002, which on the basis of the estimated quantity would amount to Ten Thousand and 00/100 Dollars (\$10,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 111505 which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, but not to exceed a total value of \$10,000.00, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 440-02.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that that Resolution No. 163-02, adopted by this Board of Control on April 3, 2002, approving the bid of Cascade Lighting Inc., for Outdoor Lighting Program items 1 thru 8, for the Division of Cleveland Public Power, Department of Public Utilities, hereby is rescinded.

Be it further resolved that all bids received on January 16, 2002, for such services, item nos. 1 thru 8, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 822-2000, passed by the Council of the City of Cleveland on June 12, 2000, are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: Director Baker.

Resolution No. 441-02.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1068-98, passed by the Council of the City of Cleveland on August 19, 1998, Adaytum, Inc. is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide software licenses and software maintenance and upgrades for a period of five years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is authorized to enter into a contract with Adaytum, Inc. based upon its proposal dated January 25, 2002, which contract shall be prepared by the Director of Law, shall provide for furnishing of such services as contained in said proposal, for an aggregate fee not in excess of \$156,200.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: Director Baker.

Resolution No. 442-02.

By Acting Director Brown.

Resolved by the Board of Control of the City of Cleveland that the bid of West Park Auto Parts for the following: Vehicle Maintenance Equipment, Group A, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 13th day of June 2002, pursuant to the authority of Ordinance No. 843-01, passed June 11, 2001, which on the basis of the order quantity would amount to \$60,855.89 (2% Net 10 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items, which contract, together with all other contracts entered into pursuant to the above-mentioned ordinance, shall not exceed a total of \$300,000.00.

Yeas: Mayor Campbell, Directors Chandra, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: Director Baker.

Resolution No. 443-02.

By Director Konicek.

Whereas, The Cleveland Clinic Foundation wishes to utilize the Banquet Room at Burke Lakefront Airport (the "Airport") for an employee appreciation casino night on September 13, 2002; and

Whereas, the City is willing to grant The Cleveland Clinic Foundation the privilege, permit and license to conduct the Event at the Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into an agreement (the "Agreement") granting The Cleveland Clinic Foundation the privilege, permit and license to conduct the Event in the Banquet Room at Burke Lakefront Airport from 6:30 p.m. to 11:30 p.m. on September 13, 2002, and to use and occupy the room for such period of time before the Event as necessary for preparation. The Cleveland Clinic Foundation shall pay the City a \$700.00 fee for the Event, shall reimburse the City for the cost of two (2) City employees to perform custodial and building maintenance work related to the conduct of the Event, shall arrange for the conduct of the Event and such other activities approved as appropriate and incidental to the Event, and shall be responsible at its expense for providing traffic control, security and clean up.

Be it further resolved that the Agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director, deems necessary to benefit and protect the public interest.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 444-02.

By Director Konicek.

Be it resolved by Board of Control of the City of Cleveland that the bid of Quality Renovations, Inc., for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, General Construction, Contract "E-02-1", all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on April 24, 2002, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995, Ordinance No. 469-98, passed on May 18, 1998, and Ordinance No. 327-00, passed on June 12, 2000, upon a unit basis for the improvement, in the aggregate amount of \$889,194.50, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into a contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Quality Renovations, Inc. for the public improvement of the Phase 2 Continuation of the Residential Sound Insulation Program, General Construction Contract "E-02-1", hereby is approved:

| | |
|----------------------------|--------------|
| MAP International (MBE) | \$266,763.75 |
| Post Painting (FBE) | \$ 88,921.25 |

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 445-02.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of Consolidated Electrical Distributors, Inc., d.b.a. Leader Electric Supply Co. for the purchase of various traffic signal components, Items # 12, 13, 14, 15, 16, 17, 17a, 18, 19, 20, 21, 24, 25, 26, 27, 27a, 27b and 46 for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 15, 2002, pursuant to the authority of Ordinance No. 2082-01, passed December 10, 2001, which on the basis of the estimated quantities would amount to Forty-Nine Thousand Sixty-One and 68/100 Dollars (\$49,061.68), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108996 which shall be certified against such contract in the sum of Three Thousand Four Hundred Dollars (\$3,400.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 446-02.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of Traffic Parts, Inc. for the purchase of various traffic signal components, Items # 7, 22, 43, 44, 45 for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 15, 2002, pursuant to the authority of Ordinance No. 2082-01, passed December 10, 2001, which on the basis of the estimated quantities would amount to Eight Thousand Two Hundred Sixty Dollars (\$8,260), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108999 which shall be certified against such contract in the sum of Three Thousand Seven Hundred Dollars (\$3,700.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 447-02.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of General Traffic Equipment Corp. Item #6 for the purchase of various traffic signal components for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 15, 2002, pursuant to the authority of Ordinance No. 2082-01, passed December 10, 2001 which on the basis of the estimated quantities would amount to Thirty-One Thousand Dollars (\$31,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as, the initial amount of such contract of the following:

Requisition No. 108997 which shall be certified against such contract in the sum of Nine Thousand Three Hundred Dollars (\$9,300.00)

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 448-02.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of Path Master, Inc., Items # 2, 3, 4, 5, 10, 11, 40, 41, 47, 48 and 49 for the purchase of various traffic signal components for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 15, 2002, pursuant to the authority of Ordinance No. 2082-01, passed December 10, 2001, which on

the basis of the estimated quantities would amount to One Hundred Sixty-Nine Thousand One Hundred Sixty-Two Dollars (\$169,162.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108998 which shall be certified against such contract in the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 449-02.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of Able Contracting Group Inc. Items # 8, 8a, 8b, 8c and 37 for the purchase of various traffic signal components for the Division of Traffic Engineering, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on February 15, 2002, pursuant to the authority of Ordinance No. 2082-01 passed December 10, 2001, which on the basis of the estimated quantities would amount to One Hundred Thirty Thousand One Hundred Dollars (\$130,100.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108995

as specified,

which shall be certified against such contract in the sum of Thirty-Five Thousand Three Hundred Dollars (\$35,300.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 450-02.

By Director Draper.

Resolved by the Board of Control of the City of Cleveland that the bid of Pro-Tech Sales for an estimated quantity of night vision binoculars, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on June 6, 2002, pursuant to the authority of Ordinance No. 497-01, which was passed by Cleveland City Council on May 21, 2001, on the basis of the estimated quantity would amount to Thirty-Four Thousand, Four Hundred Twenty-Six and 00/100 Dollars (\$34,426.00) (0% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 119265

as specified,

which shall be certified against such contract in the sum of Thirty-Four Thousand, Four Hundred Twenty-Six and 00/100 Dollars (\$34,426.00).

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 451-02.

By Acting Director Glending.

Whereas, Ordinance No. 2236-94, passed by the Council of the City of Cleveland on February 6, 1995, Resolution No. 578-95 and Resolution No. 1041-97 adopted by this Board on August 2, 1995 and December 16, 1997, respectively, authorized the City to enter into an agreement with Behnke Associates, Inc. ("Consultant") for professional services necessary to complete the Cleveland Lakefront Bikeway master plan and capital improvements, Contract No. 49526 and a modification thereto; and

Whereas, the City desires to increase the Consultant's construction administration services for the Cleveland Lakefront Bikeway Improvements Phase II; and

Whereas, Consultant has proposed by letter dated June 25, 2002 to render the additional services; and

Whereas, the City finds the Consultant's proposal acceptable and desires to modify Contract No. 49526 on the basis of such proposal to include additional construction administration services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Parks, Recreation and Properties is hereby authorized to enter into a further modification

to Contract No. 49526 with Behnke Associates, Inc. to revise the scope of professional services required for the Cleveland Lakefront Bikeway master plan and capital improvements in accordance with Consultant's June 25, 2002 proposal for an additional fee of \$15,000. The modification authorized hereby shall be prepared by the Director of Law and shall include such additional provisions, as said Director deems necessary to benefit and protect the public interest.

Be it further resolved that all other provisions of said Contract No. 49526 not expressly modified hereby shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 452-02.

By Acting Director Glending.

Resolved by the Board of Control of the City of Cleveland that the bid of P.O.M. Incorporated for the following: for not to exceed Five Hundred Sixty complete electronic parking meters for the Division of Parking Facilities, Department of Parks, Recreation & Properties, received on May 10, 2002, pursuant to the authority of Ordinance No. 25-01, passed March 4, 2002, which on the basis of the order quantities would amount to \$157,600.96, is hereby approved as the lowest and best bid, and the Director of Parks, Recreation & Properties is hereby requested to enter into contract for such items.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 453-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 004-01-023 and 004-01-024 located at West 20th Street in Ward 13; and

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

Whereas, Morgan Services, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

The member of Council from Ward 13 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183-021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Morgan Services, Inc. for the sale and development of Permanent Parcel Nos. 004-01-023 and 004-01-024 located at West 20th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$2,000.00, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 454-02.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 124-02-049 located at 2431 East 61st Street in Ward 5; and

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

Whereas, Burten, Bell, Carr Development, Inc., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183-021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Offi-

cial Deed for and on behalf of the City of Cleveland, with Burten, Bell, Carr Development, Inc., for the sale and development of Permanent Parcel No. 124-02-049 located at 2431 East 61st Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 455-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-09-169 under said Land Reutilization Program; and

Whereas, Ordinance No. 138-02 passed June 17, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Maria Grant has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 138-02 passed June 17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Maria Grant for the sale and development of Permanent Parcel No. 107-09-169, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.
Absent: None.

Resolution No. 456-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-12-030 under said Land Reutilization Program; and

Whereas, Ordinance No. 136-02 passed June 17, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Jayce P. Keys has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 136-02 passed June 17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Jayce P. Keys for the sale and development of Permanent Parcel No. 107-12-030, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 457-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 105-27-059 under said Land Reutilization Program; and

Whereas, Ordinance No. 131-02 passed June 17, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Eveadean Armstead has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 131-02 passed June 17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Eveadean Armstead for the sale and development of Permanent Parcel No. 105-27-059, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 458-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-07-126 under said Land Reutilization Program; and

Whereas, Ordinance No. 134-02 passed June 17, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Eugene L. Bell has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 138-02 passed June 17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Eugene L. Bell for the sale and development of Permanent Parcel No. 107-07-126, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 459-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 105-32-022 under said Land Reutilization Program; and

Whereas, Ordinance No. 599-02 passed June 17, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Nelida Ivette Wyatt has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 599-02 passed June 17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Nelida Ivette Wyatt for the sale and development of Permanent Parcel No. 105-32-022, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the fair

market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 460-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-20-013 under said Land Reutilization Program; and

Whereas, Ordinance No. 132-02 passed June 17, 2002, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Belva Goodley and Earl C. Goodley, Jr. have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 132-02 passed June 17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Belva Goodley and Earl C. Goodley, Jr. for the sale and development of Permanent Parcel No. 107-20-013, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 461-02.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 103-21-012, 103-21-013, 103-21-014, 103-21-088 under said Land Reutilization Program; and

Whereas, Ordinance No. 1202-02 passed June 17, 2002, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1202-02 passed June

17, 2002, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Burten, Bell, Carr Development for the sale and development of Permanent Parcel Nos. 103-21-012, 103-21-013, 103-21-014, 103-21-088, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

Resolution No. 462-02.

By Acting Director Brown.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on July 5, 2002 for Bar-Coding and Handheld Computer Solution for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 2365-01, passed by the Council of the City of Cleveland on March 4, 2002 are hereby rejected.

Yeas: Mayor Campbell, Directors Chandra, Baker, Konicek, Mok, Richiuto, Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Acting Director Huth, Directors Fumich and Taylor.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 12, 2002

9:30 A.M.

Calendar No. 02-180: 13405 Lakewood Heights Boulevard (Ward 19)
Greater Cleveland Regional Transit Authority, owners c/o Miklos Nagy, appeals to install approximately 815 linear feet of 7' high board-on-board fencing around an acreage parcel located in a General Retail Business District on the south side of Lakewood Heights Boulevard between Berea Road and West 140th Street at 13405 Lakewood Heights Boulevard; said installation being contrary to the Fence Regulations, where a 7' high fence is proposed and the maximum height of fencing allowed in the actual interior side yard is 6' as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 02-181: 9233 Lorain Avenue (Ward 18)
Jon Mullins, owner, appeals to establish the use of an existing 80' x 130' parcel with an existing 25' x 65' house and 25' x 28' garage as a used car lot, all located in a Local Retail Business District on the south side of Lorain Avenue at 9233 Lorain Avenue; said use being contrary to the Business District Requirements of Section 343.01, where a used car lot is not permitted in a Local Retail Business District but first permitted in a General Retail Business District provided the establishment maintains a 1 1/2' barrier at the setback line (line of existing buildings) behind which all vehicles, advertising and parking must be kept as stated in Section 343.11(b)(2)(i)(4) and no barrier is proposed and contrary to the Landscaping and Screening Requirements, where a 4' wide landscaping strip is required along Lorain Avenue between the lot and the street as stated in Section 352.10 of the Codified Ordinances.

Calendar No. 02-182: 6601 Union Avenue (Ward 12)

Dorothy Collins, owner, appeals to change the use of an existing 35' x 40' one-story masonry service station building situated on a 40' x 130' parcel into a used auto sales and lot located in a General Retail Business District on the north side of Union Avenue at 6601 Union Avenue; said change of use being contrary to the Business District Requirements of Section 343.11, where auto repair is not permitted in a General Retail Business District and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(f), where customer parking shall equal 25% of the total lot area required and none is proposed and contrary to the Landscaping and Screening Requirements of Sections 352.08, 352.09 and 352.10, where a 10' wide transition strip is required between the rear yard and the abutting Residential District and 0' is proposed and contrary to the Yards and Courts Requirements of Section 357.14, where a 10' front yard setback is required and 6' is proposed and contrary to the Fence Regulations, where a 7' high fence is proposed and the maximum

height of fencing allowed in the actual front yard and side yard is 4' as stated in Section 358.05(a)(2) of the Codified Ordinances.

Calendar No. 02-183: 15255 Triskett Road (Ward 21)

Ohio Leitina Company, owner c/o Bruce Meade, and Helen Lentz, prospective purchaser, appeal to develop an irregular shaped, approximate 158' x 178' vacant parcel for 2 automatic and 3 self-serve auto wash bays to be erected in a General Retail Business District on the southwesterly corner of Warren Road and Triskett Road at 15255 Triskett Road; said proposal being contrary to the Enforcement and Penalty Requirements of Section 327.02, where a detailed site plan drawn to measurable scale is required and contrary to the Business District Requirements of Section 343.11(b)(2)(i)(2), where an auto laundry must be 100' from a Residential District and the proposed use abuts a Residential District and contrary to the Landscaping and Screening Requirements of Sections 352.08, 352.09, 352.10 and 352.11 where a 10' wide transition strip is required between the abutting Residential District and 0' is proposed and Section 352.12, where a landscaping plan is required and none is provided and contrary to the Yards and Courts Requirements, where no front yard setback is proposed and a 45' front yard setback is required as stated in Section 357.14 of the Codified Ordinances.

Calendar 02-184: 2495 West 11th Street (Ward 13)

Glenn Murray, owner, appeals to construct a 20' x 32' two-story wood frame, two car detached garage with one dwelling unit above to the rear of an existing one family house all situated on a 33' x 250' parcel located in a Two-Family District on the east side of West 11th Street at 2495 West 11th Street; said construction being contrary to the Yards and Courts Requirements, where a 10' rear yard setback is proposed and 20' is required as stated in Section 357.15(a) of the Codified Ordinances.

Calendar No. 02-185: 1935 West 96th Street (Ward 18)

Vincent Valentino, owner, appeals to construct an approximate 55' x 58' second story dwelling unit in an existing factory warehouse building all situated on an approximate 246' x 380' irregular shaped parcel located in a Semi-Industry District on the east side of West 96th Street at 1935 West 96th Street; said construction being contrary to the Industrial District Requirements, where a dwelling unit is not permitted in a Semi-Industry District that is less than 200' from an adjoining General Industry District as stated in Section 345.03(b) of the Codified Ordinances.

Calendar No. 02-186: 2041-73 East 4th Street (Ward 13)

Richard Maron, MRN Ltd. owners, appeal to expand the use of a 110' x 167'-6" six-story office and retail building to include 35 apartment units from the 2nd floor to the 6th floor all situated on an irregular shaped acreage parcel located in a General Retail Business District on the east side of East 4th Street at 2041-2073 East 4th Street; said ex-

pansion being contrary to the area requirements of Section 355.04, where 42,962 sq. ft. is permitted and 82,480 sq. ft. is proposed and contrary to the Yards and Courts Requirements of Section 357.04(a), where a 30' front yard setback is required and 0' is proposed and Section 357.08(b)(2), where a 27' rear yard setback is required and 0' is proposed and a 0' setback is proposed for the interior side yard and side street, and an interior side yard of 14' and a side street yard of 5' are required as stated in Section 357.09(b)(2)(B) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 29, 2002

At the meeting of the Board of Zoning Appeals on Monday, July 29, 2002, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 02-100: 3430 Rocky River Drive
Congregation of St. Joseph, owner, appealed to install a 130' high meteorological tower temporarily (for six months) to the northwesterly portion of an acreage parcel in a One-Family District.

Calendar No. 02-166: 4444 Rocky River Drive
Carrington Company, owners, appealed to change the use of a 75' x 135' one-story building into a Ladies Fitness Center with 58 parking spaces in a General Retail Business District.

Calendar No. 02-169: 3671 East 131st Street
Ralph D. Cowan, owner, appealed to change the use of a 28' x 48' two-story, 2 dwelling unit and store building into 2 dwelling units and a carryout restaurant in a Local Retail Business District.

Calendar No. 02-171: 2995 East 61st Street
Linda DiCenzi, owner, appealed to enclose an 8' x 24' front porch of a 25' x 36' one dwelling house in a Two-Family District.

Calendar No. 02-130: 2704 Clark Avenue
Gerald Zahler, owner, appealed to change the use of a 52' x 136' portion of a 152' x 144' one-story retail building into a day care center in a General Retail Business District.

The following appeal was **Denied**:

Calendar No. 02-167: 15708 Lorain Avenue
Ray L. Meister, owner, appealed to park vehicles in the required 15' front setback area of a 50' x 130' corner parcel in a General Retail Business District.

The following appeal was **Dismissed**:

Calendar No. 02-170: 3586 East 112th Street
Venica Tomas appealed to enclose an 8' x 24' front porch of a 24' x

29' one dwelling house in a Two-Family District.

The following appeals were **Postponed**:

Calendar No. 02-165: 1702 Urbana Road postponed to August 19, 2002.

Calendar No. 02-168: 3049 East 65th Street postponed to August 19, 2002.

Calendar No. 02-114: 1082 East 105th Street postponed to August 19, 2002.

Calendar No. 02-141: 705-07 Literary Road postponed to August 19, 2002.

Calendar No. 86-182: 1575 West 117th Street postponed to August 19, 2002.

On Monday, July 29, 2002, in Executive Session:

The following appeals were heard by the Board on Monday, July 22, 2002, and said decisions were adopted and approved in Executive Session on July 29, 2002:

The following appeals were **Approved**:

Calendar No. 02-151: 966 East 146th Street
McDi Corporation, owner, and Famicos Bibi, tenant appealed to establish use of the one-story portion of a one and two-story building as an intergenerational day care facility in a Two-Family District.

Calendar No. 02-157: 401-409 Prospect Avenue
G&Z Real Estate c/o Nicholas Zarnas appealed to change the use of an eight-story store and office building into a 14 unit condominium building in a General Retail Business District.

Calendar No. 02-162: 4471-93 West 128th Street
Ameri-con Homes appealed to construct 12 townhouse units on a 280' x 325' parcel in an RA-2 Townhouse District.

Calendar No. 02-132: 4542 Pearl Road
Unity Lutheran Church, owner, appealed to establish use of a two-story building and basement in an existing facility into a day care in a Local Retail Business District.

The following appeals were **Denied**:

Calendar No. 02-158: 3451 West 120th Street
Thomas Booher, owner, appealed to install 300 linear feet of 6' high wood privacy fence with a gate to the rear and side yards of a 40' x 105' parcel in a One-Family District.

Calendar No. 02-159: 4732 Lorain Avenue
Fodor Realty Company, owner, and Joel Santiago, tenant, appealed to establish use of a nonconforming used car lot to a conforming used car lot in a Local Retail Business District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner Committee
Room 217
City Hall, Cleveland, Ohio
On Wednesday, August 14, 2002
9:00 A.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in Council Chambers of City Hall, Cleveland, Ohio, on Wednesday, August 14, 2002, at 9:00 A.M., to consider the following ordinances now pending in the Council:

Ord. No. 1274-02.

By Council Member Zone.
An ordinance to change the zoning of properties on the northwest corner of West 84th Street and Franklin Avenue to a Townhouse RA-2 District. (Map Change No. 2053, Sheet No. 1)

Ord. No. 1275-02.

By Council Member Zone.
An ordinance to change the zoning of properties on the southeast corner of West 67th Street and Father Caruso Drive to a Townhouse RA-2 District. (Map Change No. 2052, Sheet No. 1)

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

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

July 31, 2002 and August 7, 2002

CITY OF CLEVELAND BIDS

For All Departments

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

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

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

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

WEDNESDAY, AUGUST 7, 2002

Munn Road Park Restoration, for the Division of Research Planning & Development, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1748-99.

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

Bar-Coding Handheld Computing Solution, for the Division of Water, Department of Public Utilities as authorized by Ordinance No. 2356-01, passed by the Council of the City of Cleveland, March 4, 2002.

Computer Related Hardware Equipment, for the Various Divisions, the Department of Finance, as authorized by Ordinance No. 862-2000, passed by the Council of the City of Cleveland, April 17, 2000.

July 24, 2002 and July 31, 2002

THURSDAY, AUGUST 8, 2002

Gutter Broom Sets and Coreless Tube Brooms, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 764-02, passed by the Council of the City of Cleveland, June 3, 2002.

Curb Bumpers and Plow Blades, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 762-02, passed by the Council of the City of Cleveland, June 3, 2002.

Fairville Ave./West 190th Street Area Sewer Rehabilitation, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 999-2000.

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 ON AUGUST 1, 2002 AT 10:30 A.M., LOCATED AT 12302 KIRBY AVE., CLEVELAND, OHIO 44118.

July 24, 2002 and July 31, 2002

FRIDAY, AUGUST 9, 2002

Guard Rail Elements, Posts, End Wings and Necessary Hardware, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 767-02, passed by the Council of the City of Cleveland, June 3, 2002.

Overhead Door Repair, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 594-02, passed by the Council of the City of Cleveland, May 20, 2002.

Office Mailer-Folder-Inserter, for the Divisions of Assessments & Licenses, Department of Finance, as authorized by Ordinance No. 830-02, passed by the Council of the City of Cleveland, June 3, 2002.

July 24, 2002 and July 31, 2002

WEDNESDAY, AUGUST 14, 2002

Phase II Electrical Parts, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 124-02, passed by the Council of the City of Cleveland, March 25, 2002.

Unarmed, Security Guard Services, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 127-02, passed by the Council of the City of Cleveland, April 22, 2002.

July 24, 2002 and July 31, 2002

WEDNESDAY, AUGUST 14, 2002

Tree Planting, for the Division of Park Maintenance, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1115-02, passed by the Council of the City of Cleveland, June 17, 2002. THERE WILL BE A PRE-BID MEETING ON FRIDAY, AUGUST 9, 2002 AT 1:30 P.M., AT THE OFFICE OF URBAN FORESTRY LOCATED AT 750 EAST 88TH STREET.

Labor & Materials Necessary to Repair and Maintain the Lifting Equipment on One Plate Truck, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 760-02, passed by the Council of the City of Cleveland, June 10, 2002.

July 31, 2002 and August 7, 2002

THURSDAY, AUGUST 15, 2002

Constructing & Installing Replacement Sewers & Rehabilitating & Repairing, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1073-02.

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

July 31, 2002 and August 7, 2002

FRIDAY, AUGUST 16, 2002

Air Filters & Related Parts Necessary to Maintain Air Handling Units, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 592-02, passed by the Council of the City of Cleveland, May 20, 2002.

THERE WILL BE A PRE-BID MEETING ON WEDNESDAY, AUGUST 7, 2002 AT 12:15 P.M., AT THE DEPARTMENT OF PORT CONTROL'S MAIN CONFERENCE ROOM "A" LOCATED ON THE SECOND FLOOR OF THE MAIN TERMINAL BUILDING, CITY OF CLEVELAND ADMINISTRATION OFFICE AREA.

July 31, 2002 and August 7, 2002

WEDNESDAY, AUGUST 21, 2002

Fire, Boiler, Machinery and Extended Insurance, 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 ON WEDNESDAY, AUGUST 14, 2002 AT 2:00 P.M., AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 31, 2002 and August 7, 2002

THURSDAY, AUGUST 22, 2002

Repair and/or Replace Plumbing Equipment, Water, Sewer and gas Lines, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 825-2000, passed by the Council of the City of Cleveland, June 12, 2000.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, AUGUST 15, 2002 AT 10:00 A.M., AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 31, 2002 and August 7, 2002

WEDNESDAY, AUGUST 28, 2002

Bailiff Department Uniform Clothing, for the Division of Cleveland Municipal Court, Department of Finance, as authorized by Ordinance No. 2143-01, passed by the Council of the City of Cleveland, December 10, 2001.

THERE WILL BE A PRE-BID MEETING ON WEDNESDAY, AUGUST 21, 2002 AT 10:00 A.M., AT THE BAILIFF DEPARTMENT CONFERENCE ROOM ON THE 10TH FLOOR AT THE JUSTICE CENTER, LOCATED AT 1200 ONTARIO STREET, CLEVELAND, OHIO 44113.

July 31, 2002 and August 7, 2002

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Ord. No. 1371-02.

By Council Members Coats and Jackson (by departmental request). An emergency ordinance authorizing the issuance and sale of Waterworks Revenue Bonds of the City for the purpose of paying costs of improvements to the Waterworks System and refunding Outstanding Revenue Bonds of the City issued for that purpose, those Revenue Bonds to be in an aggregate principal amount not to exceed \$235,000,000 with respect to Bonds for Improvements and in an aggregate principal amount not to exceed \$50,000,000 with respect to Refunding Bonds; authorizing Supplemental Indentures to Supplement the Amended and Restated Trust Indenture securing Outstanding Waterworks Revenue Bonds of the City; authorizing the defeasance of Outstanding Revenue Bonds; authorizing related matters; and declaring an emergency.

Whereas, the City of Cleveland, Ohio, a municipal corporation and political subdivision in and of the State of Ohio, is authorized under Article XVIII of the Constitution of the State and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding bonds issued for that purpose; and (d) to issue additional bonds secured by a pledge of and lien on the Net Revenues of the Waterworks System on a parity with Bonds outstanding under the Indenture, as defined and described below; and

Whereas, by Ordinance No. 1103-A-77 passed July 25, 1977, this Council authorized an Indenture of Mortgage dated as of November 1, 1977 (the "Original Indenture") to secure waterworks improvement revenue bonds issued by the City, from time to time, and ten Series of bonds were issued under the Original Indenture, of which five Series are currently outstanding in the aggregate principal amount of \$662,995,000 as of July 1, 2002; and

Whereas, the Original Indenture was amended and restated effective October 5, 2001 as provided in the Amended and Restated Indenture between the City and National City Bank, as Trustee (the "Indenture") under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and with the consent of the owners of 66-2/3% of the Bonds then Outstanding under the Original Indenture; and

Whereas, Section 2.02 of the Indenture permits the City to issue additional Bonds on a parity with the Outstanding Bonds under the conditions set forth in the Indenture; and

Whereas, this Council has determined that it is necessary to issue, sell and deliver additional Bonds under the Indenture in order to finance the costs of improvements to

the Waterworks System and to refund certain Outstanding Bonds in order to reduce the total principal and interest payable on the Outstanding Bonds; and

Whereas, this Ordinance constitutes an emergency measure providing for the immediate preservation of public property, health and safety, and for the further reason that this Ordinance is required to be immediately effective to permit the issuance and sale of the 2002 Bonds to fund contracts for the improvement of, and to obtain debt service savings for the benefit of, the Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms defined in the Indenture, a copy of which is on file in with the Clerk of Council in File No. 1371-02-A, the following words and terms shall have the following meanings, unless the context or use otherwise indicates:

"2002 Bonds" means the Bonds authorized to be issued under this Ordinance and the Indenture in one or more Series, sold under one or more Bond Purchase Agreements and secured under one or more Supplemental Indentures supplementing the Indenture to provide the terms of each Series.

"Bond Purchase Agreement" means one or more purchase agreements between the City and the Original Purchasers with respect to the 2002 Bonds authorized by Section 3 of this Ordinance.

"Certificate of Award" means one or more certificates providing for the determination of the final terms of the 2002 Bonds of each Series, consistent with the requirements of this Ordinance including, without limitation, Section 3 of this Ordinance.

"Continuing Disclosure Agreement" means one or more agreements authorized by Section 13 of this Ordinance and to be in accordance with Rule 15c2-12 of the Securities and Exchange Commission.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of 2002 Bonds of any Series.

"Defeasance Agreement" means one or more agreements between the City and the Trustee authorized by Section 8 of this Ordinance concerning the defeasance of certain Outstanding Bonds using funds of the Water Division of the City.

"Defeasance Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, as escrow agent.

"Defeased Bonds" means those Outstanding Bonds identified in the Defeasance Agreement.

"Escrow Agreement" means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 6 of this Ordinance.

"Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to the Escrow Agreement.

"Financial Advisor" means, with respect to the 2002 Bonds, Government Capital Management, L.L.C. or Columbia Equity Financial Corp., acting jointly or singly.

"Original Purchasers" means, with respect to the 2002 Bonds, A.G. Edwards & Sons, Inc., NatCity Investments, Inc., SBK-Brooks Investment Corp., and Siebert Brandford Shank & Co., L.L.C.

"Refunded Bonds" means those Outstanding Bonds designated in the Certificate of Award as the Bonds to be refunded with proceeds of the 2002 Bonds.

"Supplemental Indenture" means one or more Supplemental Indentures between the City and the Trustee securing the 2002 Bonds and authorized under Section 6 of this Ordinance.

Section 2. Authorization of the 2002 Bonds. This Council finds and determines it is necessary and proper and in the best interest of the City to issue the 2002 Bonds for the purpose of paying costs of improvements to the Waterworks System and refunding the Refunded Bonds. The 2002 Bonds may be issued in one or more Series. The principal amount of each Series of 2002 Bonds is to be the amount set forth in the Certificate of Award authorized in Section 3. The aggregate principal amount of 2002 Bonds of all Series issued for the purpose of paying costs of improvements shall not exceed \$235,000,000. The aggregate principal amount of 2002 Bonds issued for the purpose of refunding the Refunded Bonds shall not exceed \$50,000,000 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary to refund the Refunded Bonds and to obtain aggregate net present value debt service savings with respect to the Refunded Bonds of not less than three percent (3%). The proceeds from the sale of each Series of 2002 Bonds shall be allocated, deposited and applied as provided in Section 4 of this Ordinance.

The 2002 Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the 2002 Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of 2002 Bonds may be issued at the same or different times. The 2002 Bonds of each Series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each Series.

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a Series of 2002 Bonds to be obligations bearing interest at variable interest rates, then the Director of Finance is authorized to so specify in the Certificate of Award for that Series. If the Director of Finance so deter-

mines, then the method and procedure by which the variable rate of interest to be borne by the 2002 Bonds of that Series shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise; provided that no Series of 2002 Bonds shall bear interest at a rate in excess of sixteen percent (16%) per year. Notwithstanding that limitation, a Series of 2002 Bonds held by a provider of a Credit Support Instrument may bear interest at a rate not in excess of twenty-five percent (25%) per year as provided in the agreement with the provider of the Credit Support Instrument. The Director of Finance may determine that the terms of a variable rate Series of 2002 Bonds may or may not permit the Holders to tender their variable rate 2002 Bonds for purchase by the City. If the Director of Finance designates any Series of 2002 Bonds as variable rate 2002 Bonds, and if the Holders of that Series of 2002 Bonds are to be entitled to tender those 2002 Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate 2002 Bonds, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the 2002 Bonds, and from time to time thereafter so long as the 2002 Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate 2002 Bonds. In the event the variable rate 2002 Bonds are issued as auction rate obligations, the Director of Finance is authorized to enter into agreements with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance, in connection with the original issuance of any Series of 2002 Bonds, and regardless of whether that Series of 2002 Bonds bears interest at variable or fixed rates, is authorized to contract for a Credit Support Instru-

ment, and to pay the costs of it from proceeds of the 2002 Bonds, if he determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

The Refunded Bonds shall be designated by the Director of Finance in the Certificate of Award and shall consist of those Outstanding Bonds that can be refunded (and thereby deemed no longer Outstanding for purposes of the Indenture) with the proceeds of the 2002 Bonds, the refunding of which Outstanding Bonds will enable the City, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, to obtain net present value debt service savings with respect to the Bonds so refunded. The Refunded Bonds shall be called for redemption or retired on the date or dates specified in the Certificate of Award. The redemption dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws. The Director of Finance shall notify each City Council Member when an option for refinancing is exercised and shall explain why the option was exercised and the benefit derived from exercising the option.

Section 3. Sale of 2002 Bonds. The 2002 Bonds shall be sold to the Original Purchasers pursuant to one or more Bond Purchase Agreements substantially in the form of the Bond Purchase Agreement now on file with the Clerk in the File referenced in Section 1 with such changes not inconsistent with the Indenture or this Ordinance and not substantially adverse to the City as may be approved by the officer signing the Bond Purchase Agreement on behalf of the City. The approval of any changes by that officer and the determination by that officer that the change is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of the Bond Purchase Agreement by that officer. The Director of Finance shall sign and deliver the Certificate of Award and Bond Purchase Agreement for the 2002 Bonds of each Series, one or more of which shall specify and set forth the following details with respect to the 2002 Bonds:

(a) the aggregate principal amount; provided that amount shall not exceed \$235,000,000 with respect to 2002 Bonds issued to fund improvements to the Waterworks System or \$50,000,000 with respect to 2002 Bonds issued to refund the Refunded Bonds, assuming that the 2002 Bonds are to be initially offered to the public at a price at least equal to their aggregate principal amount, but, if any of the 2002 Bonds are to be initially offered to the public at an original issue discount, the maximum aggregate principal amount of 2002 Bonds shall be increased over that amount by an amount equal to the aggregate original issue discount net of the aggregate original issue premium;

(b) the date or dates of the 2002 Bonds;

(c) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by subtracting from the aggregate principal amount of the 2002 Bonds any aggregate original issue discount net of any aggregate original issue premium with respect to the 2002 Bonds, plus (ii) any accrued interest on the 2002 Bonds from their date to the date of their delivery to the Original Purchasers;

(d) whether any 2002 Bonds are subject to optional redemption prior to maturity, the earliest optional redemption date for those 2002 Bonds subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable Series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

(e) the dates on which principal of the 2002 Bonds is to be paid, which shall be not later than January 1, 2033, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of 2002 Bonds of a particular maturity;

(f) the interest rates to be borne by 2002 Bonds bearing interest at a fixed rate, which shall not exceed seven percent (7%) as to 2002 Bonds of any maturity, and the method by which the interest rate is to be determined for 2002 Bonds bearing interest at variable rates, consistent with Section 2. The 2002 Bonds of the same Series and same maturity may bear interest at different interest rates;

(g) the particular Outstanding Bonds or portions thereof to be Refunded Bonds;

(h) any deposit required to be made to the Debt Service Reserve Fund; and

(i) the title and Series designation for the Bonds.

It is determined that the terms of the 2002 Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

Section 4. Application of Proceeds of 2002 Bonds. The proceeds of the sale of the 2002 Bonds shall be deposited as follows:

(a) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the 2002 Bonds as accrued interest on any 2002 Bonds from their dated date to the date of the delivery of and payment for those 2002 Bonds;

(b) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(c) to the Trustee, for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement, any proceeds to be applied in accordance with the Escrow Agreement to refund the Refunded Bonds; and

(d) to the Treasurer of the City for deposit in the Construction Fund for the 2002 Bonds (to be established under the applicable Supplemental Indenture) the balance of the proceeds to be applied to pay costs of improvements to the Waterworks System, including any capitalized interest and costs of issuing the 2002 Bonds.

Provision shall be made in the Supplemental Indentures for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of the Bonds as a result of the Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provisions may be made in the Supplemental Indentures for the creation of separate accounts within the funds established under the Indenture or Supplemental Indentures.

Section 5. Terms and Provisions Applicable to the 2002 Bonds.

(a) Form; Exchange and Transfer. All 2002 Bonds shall be issued in fully registered form. The 2002 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture.

(b) Dates; Denominations. The 2002 Bonds shall be dated as of the date or dates provided in the Certificate of Award. The 2002 Bonds of each Series shall be issued in the denominations permitted in the Supplemental Indenture.

(c) Interest and Place of Payment. The 2002 Bonds shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate 2002 Bonds, determined pursuant to the Supplemental Indenture). The 2002 Bonds of each Series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each 2002 Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The 2002 Bonds shall mature on the principal retirement dates provided in the Certificate of Award.

(e) Optional and Mandatory Redemption. The 2002 Bonds may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award. Any 2002 Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall

be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The 2002 Bonds designated in the Certificate of Award as term bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Certificate of Award in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Certificate of Award and in accordance with the Supplemental Indenture.

(f) Execution. The 2002 Bonds shall be signed by the persons and in the manner set forth in the Indenture.

(g) Numbering. The 2002 Bonds shall be numbered as determined by the Director of Finance.

Section 6. Authorization of Supplemental Indentures; Escrow Agreement. In order to secure the payment of the principal of and any premium and interest on the 2002 Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the 2002 Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers.

In order to cause the proceeds of the 2002 Bonds and any funds of the City deposited in an Escrow Fund to be invested as permitted under Section 9.02 of the Indenture so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the applicable redemption date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein and further providing for the payment of the fees and expenses of the Trustee for the perfor-

mance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the applicable Refunded Bonds subject to redemption in accordance with the Certificate of Award and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements to enable the City to more efficiently structure an Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Refunded Bonds, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys in an Escrow Fund, for the payment of debt service on the Refunded Bonds.

Section 7. Rebate Fund. There is hereby established and ordered to be maintained one or more separate accounts (except when invested as provided in the Indenture) within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the 2002 Bonds or the Outstanding Bonds. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

Section 8. Defeasance of Outstanding Bonds. In the event that any Outstanding Bonds are to be defeased, the Defeased Bonds shall be designated by the City in the Defeasance Agreement and shall consist of Outstanding Bonds the defeasance of which will enable the City, in the judgment of the officer or officers signing the Defeasance Agreement, based on the written advice of a Financial Advisor, to improve the debt service coverage ratio of the Water System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to deposit into the Defeasance Fund, from moneys transferred to the Defeasance Fund from Fund No. 52-001 of the Water Division, an amount not to exceed \$30,000,000, with the actual amount to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause the moneys deposited into the Defea-

sance Fund to be invested as required under Section 9.02 of the Indenture so that the Defeased Bonds are deemed paid and discharged, and in order to cause the amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the Defeased Bonds, as and when due at maturity or upon prior redemption, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the City, to sign and deliver a Defeasance Agreement approved as to form and correctness by the Director of Law, providing for the establishment of the Defeasance Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the Defeasance Agreement. The officers signing the Defeasance Agreement on behalf of the City shall determine that the Defeasance Agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the Defeasance Agreement by those officers. The Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure the Defeasance Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the defeasance of the Defeased Bonds, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in the Defeasance Fund are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys in the Defeasance Fund, for the payment of debt service on the Defeased Bonds.

Section 9. Interest Hedge Agreements. This Council finds that by engaging in interest hedge transactions, from time to time, the City can, in effect, convert interest on all or a portion of the 2002 Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations and minimizing the risk of variations in its debt service costs. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the execution and delivery of one or

more hedge agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement.

Upon the written recommendation of a Financial Advisor to the Director of Finance that an interest rate hedge transaction be undertaken by the City, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the maximum aggregate notional amount of interest rate hedge transactions outstanding at any one time, net of offsetting interest rate hedge transactions, shall not exceed such amount as will result in a lowering of the ratings assigned to the Bonds by the rating agencies, as is evidenced by written correspondence from the rating agencies or policies published in writing by the rating agencies, and (b) the term of each interest rate swap transaction shall not exceed 30 years. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The City's payment obligations under each Hedge Agreement shall be payable from the Net Revenues of the Waterworks System and may be secured by a pledge of the Net Revenues on a parity with the pledge given under the Indenture to secure Bonds, subject to the requirements of Article XI of the Indenture with respect to Parity Obligations. The obligation of the City to make payments under a Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City. Nothing shall give any party to a Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State for the payment of any amounts due under a Hedge Agreement.

Section 10. Covenants of the City. The City, by issuance of the 2002 Bonds, covenants and agrees with the Holders of the 2002 Bonds, that:

(a) The City will use the proceeds of the 2002 Bonds to pay costs of improvements to the Waterworks System, to refinance any Refunded Bonds, to fund any required deposit to the Debt Service Reserve Fund, if and to the extent set forth in the Certificate of Award, to pay interest on the 2002 Bonds during construction of the improvements financed by the 2002 Bonds, and to pay costs relating to the issuance of the 2002 Bonds.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the 2002 Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the 2002 Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the 2002 Bonds and this Ordinance or as may be required by Section 13, Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the 2002 Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the 2002 Bonds in such manner and to such extent as may be necessary so that (a) the 2002 Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(f) The City covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 2002 Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the 2002 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the 2002 Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the 2002 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the 2002 Bonds from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the 2002 Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the 2002 Bonds.

The Mayor, the Director of Finance or any other officer of the City having responsibility for the issuance of the 2002 Bonds is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the 2002 Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the 2002 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the 2002 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the 2002 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the 2002 Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the 2002 Bonds and interest thereon.

Section 11. Authorization of Bond Rating and Credit Enhancement. If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on the 2002 Bonds by one or more nationally recognized rating agencies and for Credit Support Instruments are necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit any or all of those applications, to provide information as may be required in support of those applications and to provide for the payment of the costs of ratings and Credit Support Instruments from proceeds of the 2002 Bonds or funds of the Water Division, which are appropriated for the purpose.

Section 12. Authorization of Official Statement. The Director of Finance, the Director of Public Utilities and the Commissioner of the Division of Water are each authorized and directed to cooperate in the preparation of and (with respect only to the Official Statements) to sign, on behalf of the City and in their official capacities, one or more Preliminary Official Statements and final Official Statements, as described in the applicable Bond Purchase Agreement for the applicable Series of 2002 Bonds, to serve as disclosure documents in connection with the public offering

and sale of the 2002 Bonds. Those officers are authorized to use and distribute, or to authorize the use and distribution of, the Preliminary Official Statements and the final Official Statements and any supplements to them in connection with the original issuance of the 2002 Bonds. The Mayor, the Director of Finance, the Director of Public Utilities, the Commissioner of the Division of Water and the Director of Law are further authorized to sign and deliver, on behalf of the City and in their official capacities, acting alone or together, certificates with respect to the accuracy of each Preliminary Official Statement and final Official Statement and any supplements to them as may be required under the applicable Bond Purchase Agreement or as may, in their judgment, be necessary or appropriate. The Director of Finance is authorized and directed to contract for services for the production and distribution of the Preliminary Official Statements and final Official Statements, including by printed and electronic means.

Section 13. Continuing Disclosure Agreement. In compliance with Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC"), the City shall enter into one or more Continuing Disclosure Agreements, approved as to form and correctness by the Director of Law, between the City and the Trustee, substantially in the form now on file with the Clerk in the File referenced in Section 1 of this Ordinance, with any changes that are not substantially adverse to the City as may be approved by the officer signing those Agreements on behalf of the City. The approval of any changes to a Continuing Disclosure Agreement by that officer and the determination by that officer that no such change is substantially adverse to the City shall be conclusively evidenced by the signing of that Continuing Disclosure Agreement by that officer. In each Continuing Disclosure Agreement, the City shall agree to provide, or cause to be provided, to each nationally recognized municipal securities information repository designated by the SEC from time to time in accordance with that Rule, and to any state information depository, the annual financial information and operating data and notices of specified events required by that Rule, as more particularly described in the Continuing Disclosure Agreement. The Mayor, Director of Finance and Director of Public Utilities, or any one of them, are authorized and directed to sign and deliver each Continuing Disclosure Agreement and any related agreements, certificates and other instruments, and to deliver such information, as may be necessary or appropriate to comply with the requirements of the Rule. The City understands and agrees that those commitments are intended to be for the benefit of the holders from time to time of the 2002 Bonds, including holders of book-entry interests in those Bonds.

Section 14. Authorization of Other Documents. To provide for the issuance and sale of the 2002 Bonds and the consummation of the transactions contemplated by this Ordinance, the Indenture, each Bond Purchase Agreement, each Supplemental Indenture, each Escrow Agreement, any Defeasance Agreement and each Hedge Agreement, the Mayor, the Director of Finance and the Director of Public Utilities, or any one of them, and such other officers of the City as may be appropriate, are authorized and directed to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments as may be necessary or appropriate to issue the 2002 Bonds and to consummate those transactions.

Section 15. Open Meeting Determination. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 16. Findings and Recitals of Validity. The City determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the 2002 Bonds in order to make the 2002 Bonds legal, valid and binding obligations of the City have or will have happened or have or will have been done and performed in regular and due form as required by law and the City's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the 2002 Bonds or their issuance. It is further found and determined, and is represented and recited, that the provisions of the City's Charter and the rules of this Council have been fully complied with and that this Ordinance was adopted in conformity therewith.

Section 17. Severability. In case any section or provision of this Ordinance, or in case any covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance, is for any reason held to be illegal or invalid, or is at any time inoperable by reason of any law, that illegality or inoperability shall not affect any other section or provision of this Ordinance, or any other covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance. This Ordinance shall be construed and enforced as if such illegal or invalid or inoperable portion were not contained in it. Any such illegality or invalidity or inoperability shall not affect any legal and valid and operable application from time to time, and each such section, provision, covenant, stipulation, obligation, agreement, act or action shall be deemed to be effective, operative, made or taken in the manner and to the full extent from time to time permitted by law.

Section 18. Effective Date. This Ordinance is declared to be an emergency measure for the reasons set forth in the preambles. Those preambles are made a part hereof. Provided that this Ordinance receives the affirmative vote of two-thirds of all members elected to this 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 date allowed by law.

Passed July 17, 2002.
Effective July 24, 2002.

COUNCIL COMMITTEE MEETINGS

Wednesday, July 17, 2002

Joint Committees beginning at 9:00 a.m.

Public Service Committee & Finance Committee: Present in Public Service: Sweeney, Chairman; Jones, Vice Chairman, Jones; Polensek, White, O'Malley, Zone, Cimperman, Johnson. Excused: Brady. Present in Finance: Jackson, Chairman; Sweeney, Vice Chairman; Westbrook, Gordon, Reed, White, O'Malley, Coats. Excused: Britt, Brady, Scott.

Employment, Affirmative Action and Training Committee & Finance Committee: Present in Employment:

Lewis, Chairman; Conwell, Vice Chairman; Reed, Johnson, Polensek, Coats. Excused: Cintron. Present in Finance: Jackson, Chairman; Sweeney, Vice Chairman; Westbrook, Gordon, Reed, White, O'Malley, Coats. Excused: Britt, Brady, Scott.

Community and Economic Development Committee, City Planning Committee & Finance Committee: Present in Community and Economic Development: Gordon, Chairman; Cimperman, Vice Chairman; Reed, Zone, Lewis, Jones, Coats. Excused: Scott, Cintron. Present in City Planning: Cimperman, Chairman; Rybka, Vice Chairman; O'Malley, Conwell, Lewis, Westbrook. Excused: Scott. Present in Finance: Jackson, Chairman; Sweeney, Vice Chairman; Westbrook, Gordon, Reed, White, O'Malley, Coats. Excused: Britt, Brady, Scott.

Legislation Committee: Present: White, Chairman; Gordon, Dolan, Westbrook, Johnson, Rybka. Excused: Scott, Vice Chairman.

Aviation and Transportation Committee, City Planning Committee & Finance Committee: Present in Aviation: Westbrook, Chairman; Sweeney, Vice Chairman; Dolan, Rybka, Gordon, Reed. Excused: Britt. Present in City Planning: Cimperman, Chairman; Rybka, Vice Chairman; O'Malley, Conwell, Lewis, Westbrook. Excused: Scott. Present in Finance: Jackson, Chairman; Sweeney, Vice Chairman; Westbrook, Gordon, Reed, White,

O'Malley, Coats. Excused: Britt, Brady, Scott.

Public Safety Committee & Finance Committee: Present in Public Safety: Reed, Chairman; Coats, Jones, Zone, White, Cimperman, Conwell. Excused: Britt, Vice Chairman; Brady. Present in Finance: Jackson, Chairman; Sweeney, Vice Chairman; Westbrook, Gordon, Reed, White, O'Malley, Coats. Excused: Britt, Brady, Scott.

Public Utilities Committee, City Planning Committee & Finance Committee: Present in Public Utilities: Coats, Chairman; O'Malley, Vice Chairman; Zone, Westbrook, Polensek, Sweeney, Jones. Excused: Brady, Cintron. Present in City Planning: Cimperman, Chairman; Rybka, Vice Chairman; O'Malley, Conwell, Lewis, Westbrook. Excused: Scott. Present in Finance: Jackson, Chairman; Sweeney, Vice Chairman; Westbrook, Gordon, Reed, White, O'Malley, Coats. Excused: Britt, Brady, Scott.

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

Monday, July 29, 2002

Employment, Affirmative Action and Training Committee: 11:00 a.m. — Present: Lewis, Chairman; Conwell, Vice Chairman; Reed, Polensek, Coats. Excused: Johnson, Cintron.

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| East 105th Street, 1082, (Ward 8) – C&I Construction, owners — appeal postponed to 08/19/02 on 07/29/02 (Cal. 02-114) | 1741 |
| East 112th Street, 3586, (Ward 3) – Venica Tomas, owner — appeal dismissed on 07/29/02 (Cal. 02-170) | 1741 |
| East 131st Street, 3671, (Ward 3) – Ralph D. Cowan, owner — appeal heard on 07/29/02 (Cal. 02-169) | 1741 |
| East 146th Street, 966, (Ward 10) – McDi Corporation, owner, and Famicos Bibi, tenant c/o Dan Bickerstaff, agent — appeal granted and adopted on 07/29/02 (Cal. 02-151) | 1741 |
| East 61st Street, 2995, (Ward 12) – Linda DiCenzi, owner — appeal heard on 07/29/02 (Cal. 02-171) | 1741 |
| East 65th Street, 3049, (Ward 5) – Freddy Graewe, owner — appeal postponed to 08/19/02 on 07/29/02 (Cal. 02-168) | 1741 |
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| Lorain Avenue, 15708, (Ward 21) – Ray L. Meister, owner — appeal dismissed on 07/29/02 (Cal. 02-167) | 1741 |
| Lorain Avenue, 4732, (Ward 17) – Fodor Realty Company, owner c/o Joel Santiago, tenant — appeal denied and adopted on 07/29/02 (Cal. 02-159) | 1741 |
| Pearl Road, 4542, (Ward 16) – Unity Lutheran Church, owners c/o Roberta Glasmeyer, agent — appeal granted and adopted on 07/29/02 (Cal. 02-132) | 1741 |
| Prospect Avenue, 401-409, (Ward 13) – G & Z Real Estate, owner c/o Nicholas Zamas — appeal granted and adopted on 07/29/02 (Cal. 02-157) | 1741 |
| Rocky River Drive, 3430, (Ward 21) – Congregation of St. Joseph, owner c/o Mary Schrader, agent — appeal heard on 07/29/02 (Cal. 02-100) | 1741 |
| Rocky River Drive, 4444, (Ward 21) – Carrington Company, owners c/o Ryan Peters — appeal heard on 07/29/02 (Cal. 02-166) | 1741 |
| Urbana Road, 1702, (Ward 10) – Urbana Inc., owner c/o Murray Rosenberg and Renegades Motorcycle Club, tenant c/o Willis Stallings — appeal postponed to 08/19/02 on 07/29/02 (Cal. 02-165) | 1741 |
| West 117th Street, 1575, (Ward 18) – John F. Malloy, owner and Dennis F. Butler, agent — appeal postponed to 08/19/02 on 07/29/02 (Cal. 86-182) | 1741 |
| West 120th Street, 3451, (Ward 19) – Thomas Booher, owner — appeal denied and adopted on 07/29/02 (Cal. 02-158) | 1741 |
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Guard rail elements, posts, end wings and hardware — Department of Public Service —
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