

The City Record

Official Publication of the City of Cleveland

January the Twenty-Third, Two Thousand and Two

Mayor	
Jane L. Campbell	
President of Council	
Frank G. Jackson	
Clerk of Council	
Ruby F. Moss	
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	3232 East 119th 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.	3004 Vega Avenue	44113
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 – Ruby F. Moss, 216 City Hall, 664-2840.
First Assistant Clerk – Sandra Franklin.

MAYOR – Jane L. Campbell
 Rosalind A. Brewster, Executive Assistant
 Terrell Cole, Executive Assistant
 Erik Janas, Executive Assistant
 Rodney Jenkins, Executive Assistant
 David M. McGuirk, Executive Assistant
 Tim Mueller, Executive Assistant
 Henry Guzman, Director, Office of Equal Opportunity

DEPT. OF LAW – Richard F. Horvath, Acting Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106
 Lauren Moore, Chief City Prosecutor; Criminal Branch – Justice Center 8th Floor, Court Towers, 1200 Ontario Street
 Karen E. Martinez, Law Librarian, Room 100

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

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

DEPT. OF PORT CONTROL – Michael G. Konicek, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Burke Lakefront Airport – Khalid Bahkur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

DEPT. OF PUBLIC HEALTH – Susan E. Axelrod, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS: Correction – Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Road
 Environment – Michael Krzywicki, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
 Health – Susan E. Axelrod, Commissioner, Mural Building, 1925 St. Clair Avenue

DEPT. OF PUBLIC SAFETY – David M. McGuirk, Acting 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 – Mary G. Bounds, 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 – Christopher P. Warren, Director, Room 210

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Dennis D. Dove, Director; Mayor Jane L. Campbell, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilman _____, Councilman _____, 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, Anne Bloomberg, President; _____, Vice President; Jonalyn M. Krupka, Secretary; Timothy J. Cosgrove, Member, Rev. Earl Preston, Member.

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: Chris Carmody, Margreat Hopkins, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; James Williams, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, Arthur Saunders, 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, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. 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 Michael D. Polensek; Councilman _____.

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – 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, Councilman _____, Robert Keiser, Executive Secretary.

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

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

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

The City Record



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WEDNESDAY, JANUARY 23, 2002

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CITY COUNCIL

MONDAY, JANUARY 21, 2002

The City Record

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Britt, Cimperman, Johnson, O'Malley, 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:** Polensek, Chairman; Jackson, Vice Chairman; Britt, Brady, Coats, Gordon, Reed, Scott, Sweeney, Westbrook, White.

TUESDAY

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

TUESDAY—Alternating

1:00 P.M. — **Public Health Committee:** Gordon, Chairman; Zone, Vice Chairman; Cintron, Conwell, Jackson, Polensek, Scott.

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.

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

January 16, 2002

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 16, 2002, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Absent: Directors Ricchiuto and Taylor.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 17-02.

By Acting Director Brown.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 21, 2001, for painting of streetside elements item no. 29, for the Divisions

of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 616-01 passed by the Council of the City of Cleveland on May 21, 2001, be and the same are hereby rejected.

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

Resolution No. 18-02.

By Acting Director Brown.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Dueco, Inc. for an estimated quantity of labor and material necessary to test and repair bucket and derrick trucks, item nos. 1 thru 6, 7-1, 7-2, 7-3, 7-4 and 7-5, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 14th day of November 2001, pursuant to the authority of Ordinance No. 1050-01, passed July 18, 2001 on the basis of the estimated quantity would amount to Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00) (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 115702

which shall be certified against such contract in the sum of Fifty Thousand and no/100 Dollars (\$50,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

Resolution No. 19-02.

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that Resolution No. 9-02, adopted by the Board of Control of the City of Cleveland on January 2, 2002, approving the rejection of all bids received on December 5, 2001, for the public improvement of constructing a Consolidated Maintenance Facility

ty, for the Division of Cleveland Hopkins International Airport, Department of Port Control, hereby is rescinded.

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

Resolution No. 20-02.

By Acting Director Glending.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Hermetic and Supply for an estimated quantity of HVAC/R equipment — Section 100 Item 2, 3, 5-8 less 55% discount; Section 200 Item 5 less 55% discount; Section 220 Item 4,12,14,15, 21, 23-25, 27 less 65% discount; Section 240 Item 6, 12 less 55% discount; Section 260 Item 1, 8, 12, 13, 15, 16, 18 less 60% discount; Section 300 Item 3, 10, 13, 16, 17, 19-21, 24 less 65% discount; Section 360 Item 1, 5, 8 less 55% discount; Section 420 Item 5 less 55% discount; Section 440 Item 1, 2, 7, 11 less 55% discount; Section 460 Item 1 less 65% discount; Section 480 Item 5, 7, 9, 18, 20, 21 less 55% discount; Section 500 Item 1, 3, 9 less 55% discount; Section 520 Item 6, 7 less 50% discount; Section 540 Item 12 less 60% discount; Section 560 Item 6-8 less 55% discount; Section 580 Item 2, 5, 9, 10, 13-15 less 55% discount; Section 620 Item 2-4 less 55% discount; Section 640 Item 1, 4, 8, 10, 11, 14 less 60% discount; Section 740 Item 2, 8, 9, 12, 17-19, 22-26, 31 less 60% discount, for the Division of Property Management, Department of Parks, Recreation and Properties, for the period of one (1) year, received on November 21, 2001, pursuant to the authority of Ordinance No. 890-99, passed June 7, 1999, which on the basis of the estimated quantity would amount to Seventy-Four Thousand and 00/100 Dollars (\$74,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 109554 which shall be certified against such contract in the sum of Ten Thousand and no/100 Dollars (\$10,000.00).

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

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

Resolution No. 21-02.

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Great Lakes Construction, Inc. for the public improvement of Brookpark Road Relocation project, for Cleveland Hopkins International Airport, Department of Port Control,

received on the 5th day of January 2002, pursuant to the authority of Ordinance Nos. 552-2000 passed June 19, 2000 and 1234-2000 passed July 17, 2000, upon a unit basis for the improvement in the aggregate amount of Eight Million Six Hundred Thirty Two Thousand Sixteen Dollars and Thirty Eight Cents (\$8,632,016.38), which includes Alternates A5 and A6, is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control that the following subcontractors of Great Lakes Construction, Inc. are hereby approved:

Subcontractor	M/FBE	Amount
Genley Transfer	MBE	\$1,590,000
Cook Paving	MBE	\$ 29,000
Jullian Supply	FBE	\$ 60,000
United Ready		
Mix	MBE	\$1,066,000
Cuyahoga Supply	FBE	\$ 250,000

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

Resolution No. 22-02.

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Koch Corporation, for the public improvement of Phase 2 Continuation of the Residential Sound Insulation Program, Sound Attenuation Improvements, St. Patrick School, Contract "1A", Building Envelope Acoustical Treatments, all items except alternate bid items A-1 and A-2, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on January 9, 2002, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995 and Ordinance No. 469-98, passed on May 18, 1998, upon a lump sum basis for the improvement, in the amount of \$1,217,860.00, 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 subcontractor by Koch Corporation, for the public improvement of the Phase 2 continuation of the Residential Sound Insulation Program, Sound Attenuation Improvements, St. Patrick School, Contract "1A", Building Envelope Acoustical Treatments, hereby is approved:

General Construction
(JEM/DBE) \$331,872.00

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

Resolution No. 23-02.

By Acting Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Gene's Refrigeration, Inc., for the public improvement of Phase 2 Continuation of the Residential

Sound Insulation Program, Sound Attenuation Improvements, St. Patrick School, Contract "1B", Mechanical, Electrical, and Building Interior Modifications, all items except alternate bid item B-1, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on January 9, 2002, pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995 and Ordinance No. 469-98, passed on May 18, 1998, upon a lump sum basis for the improvement in the amount of \$3,399,000.00, 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 Gene's Refrigeration, Inc., for the public improvement of the Phase 2 continuation of the Residential Sound Insulation Program, Sound Attenuation Improvements, St. Patrick School, Contract "1B", Mechanical, Electrical, and Building Interior Modifications, hereby is approved:

Coleman Trucking
\$38,990.00

Solomon & Associates
\$472,000.00

Cahlik Electric
\$680,000.00

Steingass Mechanical
\$526,143.00

Yeas: Mayor Campbell, Acting Directors Horvath, Hruby, Brown, Konicek, McGuirk, Glending, Dumas, Director Romero and Acting Director Huth.

Nays: None.

Absent: Directors Ricchiuto and Taylor.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ANNE BLOOMBERG,
President

Calendar No. 01-338: 1995 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District and located on the east side of West 58th Street between Side Avenue and Aspen Court at 1995 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-339: 2017 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District and located on the east side of West 58th Street between Side Avenue and Aspen Court at 2017 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-340: 1997 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District and located on the east side of West 58th Street between Side Avenue and Aspen Court at 1997 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-341: 2019 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District and located on the east side of West 58th Street between Side Avenue and Aspen Court at 2019 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-342: 1999 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District

and located on the east side of West 58th Street between Side Avenue and Aspen Court at 1999 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-343: 2021 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District and located on the east side of West 58th Street between Side Avenue and Aspen Court at 2021 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-344: 2001 West 58th Street (Ward 17)

Evergreen 58 Corporation, owner, c/o David Rowe, agent, appeals to construct an approximate 16' x 50' three story single-dwelling townhouse unit and an 18' x 20' detached garage all situated on an approximate 19'-6" x 125' parcel located in a Two-Family District and located on the east side of West 58th Street between Side Avenue and Aspen Court at 2001 West 58th Street; said proposal being contrary to the Residential District Requirements the required front yard setback proposed is 14' and 20' is required as stated Section 337.031 of the Codified Ordinances. (Filed 11-15-01)

Calendar No. 01-354: 3315 Broadview Road (Ward 15)

A&K Investment/Jack Amburgey, owner, c/o, John Rakauskas, agent, appeals to change the use of an existing approximate 51' x 95' billiard parlor one-story space into a party center with bingo all situated on an approximate 200' x 220' acreage parcel located in a Local Retail Business District on the south side of Broadview Road at 3315 Broadview Road; said change of use being contrary to the Business District Requirements of Section 343.01 where a party center and bingo hall is not permitted in a Local Retail Business District but first permitted in a General Retail Business District under amusement and recreation as stated in Section 343.11(b)(2)(L) and contrary to the Specific Use Regulations of Section 347.12(a) where amusement and recreation is required to be 500' from a Residential District and from a School and Section 347.12(b) where amusement and recreation is required to be 500' from another such use and Section 347.12(d) where amusement and recreation requires Board of Zoning Appeal approval and contrary to the Landscaping and Screening Requirements where a 6' wide landscaped strip is required along Broadview Road and West 33rd Street between the street and the parking lot as stated Section 352.10 of the Codified Ordinances. (Filed 12-7-01)

Calendar No. 01-355: 8219 Hough Avenue (Ward 7)

Christian Family Center, owner, c/o Reverend McGhee, pastor, appeals to expand and convert an existing 108' x 168' one-story mixed use masonry youth center building into a Charter School for grades K through 7 all situated on a 108' x 200' parcel located in a Multi-Family District on the north side of Hough Avenue at 8219 Hough Avenue; said conversion being contrary to the Non-conforming Use Regulations where an expansion of a non-conforming use requires the Board of Zoning Appeals approval as stated Section 359.01 of the Codified Ordinances. (Filed 12-7-01)

Calendar No. 01-357: 10201 Elk Avenue (Ward 8)

J.C. Green, owner, appeals to establish the use of an existing approximate 211' x 300' irregular shaped parcel as use for construction equipment, vehicle parking, and construction material storage all located in a Semi-Industry District on the north side of Elk Avenue at 10201 Elk Avenue; said established use being contrary to the Off-Street Parking and Loading Requirements of Section 349.04(j) where 15 parking spaces are required and 0 are proposed and Section 349.07(a),(b) and (c) where the proposed parking lot shall be properly graded for drainage, install bumper guards and provide a maximum 30' wide driveway and contrary to the Business District Requirements of Section 345.03(c)(33) where open storage shall be surrounded by a substantial 7' high wall or screened fence and a partial 6' high screened fence and brick wall is proposed and contrary to the Landscaping and Screening Requirements where an 8' wide landscaped strip is required along the east property line between the Residential District and the Semi-Industry District as stated Section 352.11 of the Codified Ordinances. (Filed 12-10-01)

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 22, 2002

At the meeting of the Board of Zoning Appeals on Tuesday, January 22, 2002, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 01-321: 8009 Lake Avenue

Bob Tucker, owner, and American Fence Co., agent, appealed to install 99 linear feet of 6' high aluminum ornamental fencing to the front of a 106' x 128' parcel in a Multi-Family District.

Calendar No. 01-323: 2167 West 95th Street

Johnny Hernandez, owner, appealed to install 71 linear feet of 4' high chain link fencing to the front of a 40' x 125' parcel in a Two-Family District.

Calendar No. 01-284: 806 Literary Road

Thomas Leneghan, owner, appealed to change use of a 31' x 57' two-story 3 dwelling units building into 2 dwelling units on the second floor and a bar and cafe on the first floor in a General Retail Business District.

Calendar No. 01-314: 3625 Independence Road

Michael Mazzeo, owner, appealed to change use of an existing one-story masonry gas station building into an auto repair garage and used car lot; conditionally granted and only for the use as an auto repair garage.

Calendar No. 01-315: 3588 Martin Luther King Drive

Cleveland Board of Education, owner c/o James Holloway, agent, appealed to construct a 6' x 8' single sided cabinet sign 12' high from grade to the front of Nathan Hale Middle School.

Calendar No. 01-316: 13201 Edgewood Avenue

Darrell Curd, owner, and Brian Horvath, agent, appealed to construct an 8' x 24' 5" one-story aluminum porch enclosure to the front of an existing one family house in a One-Family District.

Calendar No. 01-318: 2493 West 20th Street

Stephan Was, owner, appealed to construct a 20' x 22' two-story attached garage and a 15' x 17' two-story room addition to the rear of a two-story dwelling house in a Two-Family District; conditionally granted.

Calendar No. 01-362: 3879-3881 East 123rd Street

David Powell, owner, and Vaida Garret, tenant, appealed to change the ground floor storeroom of a 35' x 72' two-story masonry non-conforming store and suites building from a dry cleaning store to a barber shop as granted by the Board in 1998 to a use of the barber shop waiting area for use as a retail store in a Two-Family District.

The following appeal was **Denied:**

Calendar No. 01-320: 16405 Trafalgar Avenue

Henry Masten, owner, appealed to change the use of a 2-family house into a 3-family house on a 40' x 140' parcel in a Two-Family District.

The following appeals were **Dismissed:**

Calendar No. 01-319: 2493 West 20th Street

Sonya Levert, owner, appealed to install a 4' high chain-link fence to the north, south, east and west of a 60' x 99' parcel in a Two-Family District

Calendar No. 01-322: 1327 East 89th Street

Sharon Henderson, owner, appealed to expand the use of a one family dwelling unit to include a day care in a Two-Family District.

Calendar No. 01-48: 4204 Detroit Avenue

Paul Tomko, owner, appealed to convert a patio into an enclosed dining room area for a restaurant located in Local Retail Business District.

The following appeals were **Postponed:**

Calendar No. 01-317: 8212 Carnegie Avenue postponed to February 4, 2002.**Calendar No. 01-301:** 770 East 185th Street postponed to February 11, 2002.**Calendar No. 01-313:** 5506 Dollof Road postponed to February 11, 2002.**Calendar No. 01-324:** 1613 Davenport Avenue postponed to February 25, 2002.**On Tuesday, January 22, 2002, in Executive Session:**

The following appeals were heard on Monday, January 14, 2002, and said decisions were approved and adopted by the Board on January 22, 2002:

The following appeals were **Approved:**

Calendar No. 01-299: 8003 Broadway Avenue

Bud Brady Ford, owner, and George Dragon, agent appealed to install two free standing signs on an irregular shaped parcel.

Calendar No. 01-308: 517 Literary Road

Lori Properties, owner, and Douglas Wahl, appealed to construct a 20' x 50' - 8" three story single-dwelling and detached garage on an approximate 21' x 116' parcel located in a Multi-Family District.

Calendar No. 01-308: 515 Literary Road

Lori Properties, owner, and Douglas Wahl, appealed to construct a 20' x 50' - 8" three story single-dwelling and detached garage on an approximate 21' x 116' parcel located in a Multi-Family District.

Calendar No. 01-308: 511 Literary Road

Lori Properties, owner, and Douglas Wahl, appealed to construct a 20' x 50' - 8" three story single-dwelling and detached garage on an approximate 21' x 116' parcel located in a Multi-Family District.

Calendar No. 01-308: 509 Literary Road

Lori Properties, owner, and Douglas Wahl, appealed to construct a 20' x 50' - 8" three story single-dwelling and detached garage on an approximate 21' x 116' parcel located in a Multi-Family District.

The following appeal was **Denied:**

Calendar No. 01-306: 9313 Clifton Blvd.

Daniel B. Farrell, owner, appealed to construct a 22' x 24', 2 story, 2 car garage with a gable roof and use the upper portion for habitable space all to the rear of a parcel located in a One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
January 16, 2002

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

* * *

Docket A-130-01.

RE: Appeal of Martin Enterprises, Owner of the Vacant Lot — Residential Industry located on the premises known as 4200-01 Jennings Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing, dated July 23, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-130-01 has been POSTPONED; to be rescheduled for February 27, 2002.

* * *

Docket A-158-01.

RE: Appeal of Faez Muntaser, Owner of the Two Story Frame Commercial Property located on the premises known as 8701 Superior Avenue from a NUISANCE CONDEMNATION ORDER — MAIN STRUCTURE of the Commissioner of the Division of Building and Housing, dated August 18, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action this date; the Board is requesting the Building Department to conduct a team inspection of the property located at 8701 Superior Avenue to ascertain whether the property is condemnable or not; and to rescheduled the docket for hearing when the Building Department informs the Board.

* * *

Docket A-160-01.

RE: Appeal of Mary T. Whitfield, Owner of the One/half Story Masonry Type 3 Mixed Use Property located on the premises known as 9907-09 Cedar Avenue from a STOP WORK ORDER dated September 13, 2001 and NOTICE TO DEMOLISH PROPERTY dated September 20, 2001 of the Commissioner of the Division of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DISMISS Docket A-160-01, noting that the property has been razed. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-162-01.

RE: Appeal of Chase Bank of Texas, NA, Mortgagee of the One & One/half Story Frame Residential

Property located on the premises known as 5710 Huss Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated September 13, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-162-01 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-167-01.

RE: Appeal of Sharon Schubert, Owner of the Two Story Frame Residential Property located on the premises known as 4813 Stickney Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing, dated September 21, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one (1) month in which to obtain permits and four (4) months in which to complete the exterior renovations on the property and continuing time after that with satisfactory progress. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by June 30, 2002. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-168-01.

RE: Appeal of Victor Leparskas c/o Russell Meraglio, Guardian, Owner of the One Dwelling Unit Two Story Frame Residential Property located on the premises known as 2331 Kinkle Avenue from a NUISANCE ABATEMENT/30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated September 20, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's NUISANCE ABATEMENT/30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two (2) months in which to complete the sale of the property to a buyer and assign responsibility for abatement of the violations; the property is to remain boarded and secured and the grounds debris free during that time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing

for supervision and any required further action. All other provisions of the NUISANCE ABATEMENT/30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by March 30, 2002. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-169-01.

RE: Appeal of Ronald Fedor, owner of the Residential Garage located on the premises known as 3006 West 11th Street from a STOP WORK ORDER dated October 25, 2001 of the Commissioner of the Division of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the solutions proposed by the Appellant's contractor are satisfactory resolutions for the grade condition. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-174-01.

RE: Appeal of Darnell Champion, Land Contract Owner of the Property, located on the premises known as 830 Eddy Road from a LIMITATION ON THE PERMITS (building, electrical, HVAC) of the Commissioner of the Division of Building and Housing, dated September 24, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a three (3) month "Extension of Time" on the PERMITS in which to abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-175-01.

RE: Appeal of Wells Fargo Home Mortgage, Inc., Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 7917 Laumar Avenue from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated October 2, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to complete the

purchase of the property and obtain permits for rehabilitation of the property; and to require that the property remain boarded and secured and the grounds debris free during the three (3) month period. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER — MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 30, 2002. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-177-01.

RE: Appeal of LaSalle National Bank, c/o Superior Bank, Mortgagee of the One Dwelling Unit Two Story Frame Residential Property located on the premises known as 3113 East 68th Street from a 30 DAY CONDEMNATION ORDER — MS of the Commissioner of the Division of Building and Housing, dated October 21, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal request for more time and to REMAND the property at 3113 East 68th Street to the Division of Building for supervision and any required further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-178-01.

RE: Appeal of Bernard Adams, Owner of the Underground Storage Tanks located on the premises known as 1942 East 105th Street a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated November 19, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant eight (8) months in which to complete abatement of the violations; the property is REMANDED at this time to the Division of Fire for supervision and any required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-181-01.

RE: Appeal of Dwight Chillous, Owner of the Property (Millennium Nite Club) located on the premises known as 1012 Sumner Court from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire, dated September 25, 2001, requiring compliance with the Codified Ordinances of the City of Cleve-

land and the Ohio Basic Building Code (OBBC).

Docket A-181-01 has been POSTPONED; to be rescheduled for February 13, 2002.

* * *

Docket A-183-01.

RE: Appeal of Joseph Cooper, Owner of the Property, located on the premises known as 6830 Beaver Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing, dated November 11, 2001, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for "Extension of Time" on the PERMIT and to REMAND the property at 6830 Beaver Avenue to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

EXTENSION OF TIME:

Docket A-127-01 — Kiser Houston — 1154 East 134th Street (aka 1154-60 East 134th Street):

A motion is in order at this time to DENY the Appellant's request for a four (4) month "Extension of Time" and require the Appellant to continue to working with the City under the present arrangements.

Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

OTHER BOARD BUSINESS:

Docket A-190-00 — Tower City Land Corp. — 230 West Huron Road:

Ruling of the Board is to amend the resolution adopted December 20, 2000 as follows:

FROM:

• (OBBC Section 3106.4 — two hour rated fire separation wall shall extend at least ten (10) feet below the walkway along the existing south exterior wall of the Tower City structure) — to grant the variance noting that the wall between the walkway and the garage is a two-hour wall extending above the walkway, and that the floor of the walkways is two-hour rated providing equivalent protection to the occupants of the walkway area and protection from hazards on the walkway.

• Section 1014.11 — elevator at mezzanine level cannot open into the required means of egress stairway enclosure) — to grant the variance with the provision that the elevator openings be protected both at the top of the elevator shaft and in the stairwell with smoke detectors that will close the fire smoke shutter and

return the elevator to the ground floor and that the smoke shutter be able to be raised automatically.

TO:

• (OBBC Section 3106.4 — two hour rated fire separation wall shall extend at least ten (10) feet below the walkway along the existing south exterior wall of the Tower City structure) — to grant the variance noting that the wall between the walkway and the garage is a two-hour wall extending above the walkway, and that the floor of the walkways is two-hour rated providing equivalent protection to the occupants of the walkway area and protection from hazards on the walkway.

• (Section 1014.11 — elevator at mezzanine level cannot open into the required means of egress stairway enclosure) — to grant the variance with the provision that the elevator openings be protected both at the top of the elevator shaft and in the stairwell with smoke detectors that will close the fire smoke shutter and return the elevator to the ground floor and that the smoke shutter be able to be raised automatically with the Fire Prevention Bureau approved panic hardware and elevator inspector concurrence. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

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

- A-163-01—Homer and Patricia L Black.
- A-165-01—Kay Finney.
- A-172-01—Jeffery P. Watson.
- A-186-01—Sutton Builders.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

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

- A-190-01—C.W.R.U.

Yeas: Messrs. Williams, Saunders, Sullivan. Nays: None. Not Voting: Mr. Denk.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Williams and seconded by Mr. Saunders for Approval and Adoption of the Minutes as presented by the

Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

December 19, 2001

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: None.

* * *

EUGENE CRANFORD, JR.,
Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, JANUARY 30, 2002

Sterling Recreation Center Site Improvements, for the Division of Research, Development & Planning, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1748-99, passed by the Council of the City of Cleveland, April 17, 2000.

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

January 16, 2002 and January 23, 2002

WEDNESDAY, FEBRUARY 6, 2002

Hangar Space and Aviation Fuel, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1746-01, passed by the Council of the City of Cleveland, November 26, 2001.

Auto/Truck Frame Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 271-01, passed by the Council of the City of Cleveland, April 9, 2001.

January 16, 2002 and January 23, 2002

THURSDAY, FEBRUARY 7, 2002

Auto/Truck Glass Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 360-01, passed by the Council of the City of Cleveland, April 9, 2001.

Millcreek Subdivision-Phase 4B, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1117-2000, passed by the Council of the City of Cleveland, October 16, 2000.

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

Reconstruction of West 31st Place, between Hancock Avenue and Keene Court, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance 609-01, passed by the Council of the City of Cleveland, June 11, 2001.

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

January 16, 2002 and January 23, 2002

FRIDAY, MARCH 1, 2002

Powdered Activated Carbon, for the Division of Water, Department of Public Utilities.

THERE WILL BE A PRE-BID MEETING ON FEBRUARY 15, 2002 AT 11:00 A.M. AT 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 16, 2002 and January 23, 2002

THURSDAY, FEBRUARY 7, 2002

East 143rd Street Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance 831-01.

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

January 23, 2002 and January 30, 2002

WEDNESDAY, FEBRUARY 13, 2002

Rental of Snow Removal Equipment with Operators and Other Heavy-Duty Equipment with Operators Necessary to Comply with FAA-Mandated Requirements, for the Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 1007-01, passed by the Council of the City of Cleveland, June 19, 2001.

January 23, 2002 and January 30, 2002

FRIDAY, FEBRUARY 15, 2002

Ford Passenger Car Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2155-01.

Refurbishing of One (1) Electronic Outdoor Message Center Sign, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance 618-01, passed by the Council of the City of Cleveland, May 21, 2001.

THERE WILL BE A MANDATORY PRE-BID MEETING ON FEBRUARY 6, 2002 AT 10:00 A.M. AT CLEVELAND PUBLIC POWER, LOCATED AT 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 23, 2002 and January 30, 2002

WEDNESDAY, FEBRUARY 20, 2002

Contractors Trailer Row Relocation Project and Liquid Hydrogen Transfer Station Project, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2015-2000, passed by the Council of the City of Cleveland, May 14, 2001.

THERE WILL BE A PRE-BID MEETING ON JANUARY 24, 2002 AT 10:00 A.M. TO 11:00 A.M. IN THE PROGRAM MANAGEMENT TEAM (PMT) CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135 (LOCATED AT THE SOUTH EAST CORNER OF CARGO ROAD AND FIVE POINTS ROAD).

THERE WILL BE A NON-REFUNDABLE DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER GO TO www.clevelandairport.com FOR ADDITIONAL INFORMATION OF FAX ANY QUESTIONS TO DEBORAH MIDGETT, MONDAY-FRIDAY 9:00-5:00 P.M. AT (216) 664-2177.

January 23, 2002 and January 30, 2002

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 88-02.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2 and D3 Liquor Permit to 1299 W. 9th St., 1st Fl. & Bsm., and repealing Res. No. 1419-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2 and D3 Liquor Permit to 1299 W. 9th St., 1st Fl. & Bsm. by Res. No. 1419-01 adopted by Council on July 18, 2001; and

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

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

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

Section 1. That objection to the renewal of a D1, D2 and D3 Liquor Permit to 1299 W. 9th St., 1st Fl. & Bsm., be and the same is hereby withdrawn and Res. No. 1419-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 89-02.

By Councilman Cintron.

An emergency resolution objecting to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 3366 W. 25th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 5361946, Mary Luzar Est. and Ronald Coyne Extr., DBA Rendezvous, 3366 W. 25th St., 1st Fl. & Bsm., Cleveland, Ohio 44109 to Permit No. 1790604, Lawrence J. Coyne Jr., DBA Rendezvous, 3366 W. 25th St., Cleveland, Ohio 44109; and

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

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

ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 5361946, Mary Luzar Est. and Ronald Coyne Extr., DBA Rendezvous, 3366 W. 25th St., 1st Fl. & Bsmt., Cleveland, Ohio 44109 to Permit No. 1790604, Lawrence J. Coyne Jr., DBA Rendezvous, 3366 W. 25th St., Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 90-02.

By Councilman Johnson.

An emergency resolution objecting to the stock application of a C1 and C2 Liquor Permit to 8805 Buckeye Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock

application of a C1 and C2 Liquor Permit to Permit No. 7987615, Serhan, Inc., DBA Buckeye Sunoco, 8805 Buckeye Rd., Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock application of a C1 and C2 Liquor Permit to Permit No. 7987615, Serhan, Inc., DBA Buckeye Sunoco, 8805 Buckeye Rd., Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 91-02.

By Councilmen Lewis, Coats, Jones, Reed, Scott, White and Zone.

An emergency resolution opposing House Bill 386 which provides that the state shall be the sole regulator of loans and other forms of credit and preempt any regulation by a municipality that directly or indirectly regulates the granting, collection or servicing of loans or other forms of credit.

Whereas, pending House Bill 386 provides that the state shall be the sole regulator of loans and other forms of credit; and

Whereas, pending House Bill 386 further provides that any ordinance, resolution, regulation or other action by a municipal corporation to regulate the origination, granting, servicing or collection of loans or other forms of credit is in conflict with the Revised Code and with the uniform operation throughout the state of lending and other credit provisions and is preempted; and

Whereas, said House Bill 386 would effectively take away a municipality's right to Home Rule governance; and

Whereas, said House Bill 386 would preempt the City of Cleveland's pending anti predatory lending ordinance; and

Whereas, pending House Bill 386 would limit a municipality's ability to protect its citizens from predatory lenders and diminishes local authority over unscrupulous business practices; and

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

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

Section 1. That this Council vehemently opposes House Bill 386 which provides that the state shall be the sole regulator of loans and other forms of credit and which preempts any regulation by a municipality that directly or indirectly regulates the granting, collection or servicing of loans or other forms of credit.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the leaders of the General Assembly of the State of Ohio.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 92-02.

By Councilman Polensek.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 15929 Saranac Road, and repealing Res. No. 1541-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 15929 Saranac Road by Res. No. 1541-2000 adopted by Council on August 28, 2000; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal pursuant to a cooperation agreement signed between the permit holder and the City of Cleveland a copy of which can be found in the City of Cleveland's Law Department; and

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 15929 Saranac Road, be and the same is hereby withdrawn and Res. No. 1541-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 93-02.

By Councilman Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 14510 Kinsman Avenue, and repealing Res. No. 1645-01 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 14510 Kinsman Avenue by Res. No. 1645-01 adopted by Council on August 15, 2001; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 14510 Kinsman Avenue, be and the same is hereby withdrawn and Res. No. 1645-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 94-02.

By Councilman Rybka.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, 1st Fl. & Bsmt., and repealing Res. No. 1361-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, 1st Fl. & Bsmt. by Res. No. 1361-2000 adopted by Council on July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1361-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 95-02.

By Councilman Rybka.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, 1st Fl., and repealing Res. No. 1647-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, 1st Fl. by Res. No. 1647-01 adopted by Council on August 15, 2001; and

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

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

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

Section 1. That objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, 1st Fl., be and the same is

hereby withdrawn and Res. No. 1647-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 96-02.

By Councilman Rybka.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 5222 Fleet Avenue, and repealing Res. No. 1363-2000 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 5222 Fleet Avenue by Res. No. 1363-2000 adopted by Council on July 28, 2000; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 5222 Fleet Avenue, be and the same is hereby withdrawn and Res. No. 1363-2000, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 97-02.

By Councilman Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 4161 W. 150th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit from Permit No. 08983564483, BP Exploration & Oil Inc., DBA BP Food Mart 4483, 4161 W. 150th St., Cleveland, Ohio 44135 to Permit No. 08984674483, BP Products North America Inc., DBA BP Food Mart 4483, 4161 W. 150th St., Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from Permit No. 08983564483, BP Exploration & Oil Inc., DBA BP Food Mart 4483, 4161 W. 150th St., Cleveland, Ohio 44135 to Permit No. 08984674483, BP Products North America Inc., DBA BP Food Mart 4483, 4161 W. 150th St., Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 14, 2002.
Effective January 18, 2002.

Res. No. 98-02.

By Councilman Sweeney.

An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit to 4792 Rocky River Drive, and repealing Res. No. 1648-01 objecting to said renewal.

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 4792 Rocky River Drive by Res. No. 1648-01 adopted by Council on August 15, 2001; and

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

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

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

Section 1. That objection to the renewal of a C1, C2 and D6 Liquor Permit to 4792 Rocky River Drive, be and the same is hereby withdrawn and Res. No. 1648-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 99-02.

By Councilman White.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3879 E. 123rd St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit from to Permit No. 3052920, Vadia J. Garrett, DBA Blends & Trims Mini Mart, 3879 E. 123rd St., Cleveland, Ohio 44105; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented rea-

sonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit from to Permit No. 3052920, Vadia J. Garrett, DBA Blends & Trims Mini Mart, 3879 E. 123rd St., Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted January 14, 2002.

Effective January 18, 2002.

Res. No. 100-02.

By Councilman White.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt., and repealing Res. No. 1773-01 objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt. by Res. No. 1773-01 adopted by Council September 10, 2001; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 3695-97 East 131st Street, 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1773-01, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 14, 2002.
Effective January 18, 2002.

Ord. No. 2409-A-01. (As a substitute for Ordinance No. 2409-01).

By Councilman Cimperman.

An emergency ordinance to amend the title, the third whereas clause and Section 1 of Ordinance No. 27-01, passed May 14, 2001, relating to the Director of Community Development entering into an agreement with MRN Limited Partnership, an Ohio limited partnership, for the acquisition, clearance and redevelopment of certain lands in the Euclid/Prospect II Community Development Plan Area.

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

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

Section 1. That the title, the third whereas clause and Section 1 of Ordinance No. 27-01, passed May 14, 2001 are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a project agreement with MRN Limited Partnership, an Ohio limited partnership for the acquisition, clearance and redevelopment of certain lands in the Euclid/Prospect II Community Development Plan Area.

Whereas, MRN Limited Partnership, an Ohio limited partnership, have submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving some of the purposes for the Treatment Area as described in the Plan; and

Section 1. That notwithstanding and as an exception to any section of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with MRN Limited Partnership, an Ohio limited partnership (the "Redeveloper") for the acquisition, disposition and private redevelopment for the Treatment Area in accordance with the provisions of the Plan. The Plan Area is described as follows:

**EUCLID — PROSPECT
C.D. PLAN BOUNDARY**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and beginning at the intersection of the centerline of Ontario Street (99.00 feet wide) with the centerline of West Prospect Avenue (100.00 feet wide);

Thence Westerly, along the centerline of said West Prospect to its intersection with the Southerly prolongation of the Westerly line of property owned by DeBartolo Public Square Inc. and known as P.P.N. 101-23-001 and 101-23-003 A & B;

Thence Northerly, along the Southerly prolongation and the Westerly line of said DeBartolo Public Square Inc. property and its Northerly prolongation to its intersection with the centerline of the South Roadway of Public Square;

Thence Easterly, along the centerline of the said South Roadway to its intersection with the centerline of the East Roadway of Public Square;

Thence Northerly, along said East Roadway to its intersection the centerline of with Superior Avenue (132.00 feet wide);

Thence Easterly, along said Superior Avenue to its intersection with the Northerly prolongation of the Westerly line of land owned by Leader-Cleveland Realty Associates (P.P.N. 101-26-010);

Thence Southerly, along said Northerly prolongation and Westerly line to the Southwest corner thereof;

Thence Easterly, along the Southerly line of said Leader-Cleveland Realty Associates and its Easterly prolongation to its intersection with the centerline of East 6th Street (50.00 feet wide);

Thence Southerly, along said East 6th Street to its intersection with the centerline of Euclid Avenue (99.00 feet wide);

Thence Easterly, along said Euclid Avenue to its intersection with the centerline of East 8th Street (16.00 feet wide);

Thence Southerly, along said East 8th Street to its intersection with the centerline of Prospect Avenue (82.50 feet wide);

Thence Westerly, along said Prospect Avenue to its intersection with the centerline of Ontario Street;

Thence Southerly, along the said centerline of Ontario Street to its intersection with the centerline of West Prospect Avenue and the place of beginning.

Section 2. That the existing title, the third whereas clause and Section 1 of Ordinance No. 27-01, passed May 14, 2001 are hereby repealed.

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

Passed January 14, 2002.
Effective January 18, 2002.

Ord. No. 2417-01.

By Councilman Coats.

An ordinance to change from General Industry to Semi-Industry the Use District of lands bounded by Coit Road, East 140th Street, Topeka Avenue, East 138th Place, Maxwell Avenue, East 137th Street, Aspinwall Avenue, and a Conrail right-of-way. (Map Change No. 2039, Sheet No. 7)

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

Section 1. That the Use District bounded and described as follows:

Beginning at the intersection of the center line of Coit Road and East 140th Street; thence northerly along the center line of East 140th Street to its intersection with the center line of Topeka Avenue; thence westerly along the center line of Topeka Avenue to its intersection with the center line of East 138th Place; thence northerly along East 138th Place to its intersection with the center line of Maxwell Avenue; thence westerly along the center line of Maxwell Avenue to its intersection with the center line of East 137th Street; thence northerly along the center line of East 137th Street to its intersection with the center line of Aspinwall Avenue; thence southwesterly along the center line of Aspinwall Avenue to its intersection with the easterly line of Permanent Parcel Number 112-05-001, owned by the Conrail Corporation; thence generally southerly along such property line to its intersection with the center line of Coit Road; thence southeasterly along the center line of Coit Road to the place of the beginning and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 2039, Sheet No. 7, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed January 14, 2002.
Effective February 23, 2002.

Ord. No. 85-02.

By Councilmen Jackson, Sweeney, Reed, Cimperman, Westbrook, Coats, Polensek and Gordon.

An emergency ordinance to amend Section 173.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 3028-S4, passed December 20, 1984 relating to Members of Council.

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

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

Section 1. That Section 173.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance

No. 3028-84, passed December 20, 1984, is hereby amended to read as follows:

Section 173.07 Members of Council

(a) On and after January 2, 1982, and thereafter on January 2nd of each of the years 1983 and 1984, the salary of each member of Council as heretofore fixed by Ordinance No. 2927-76, passed December 20, 1976, shall be increased by the amount of 10% over the previous year's salary and on January 2nd of the year 1985 said salary shall be increased by the amount of 5% over the previous year's salary, except that of Council President, as member of Council shall receive twenty-five thousand dollars (\$25,000.00) per annum.

(b) The annual salary of members of Council for the year 1986 shall be twenty-six thousand six hundred sixty-four dollars (\$26,664.00). The annual salary of members of Council for the years 1987 through 2005 shall be twenty-six thousand six hundred sixty-four dollars (\$26,664.00) adjusted upward by an amount equal to six percent (6%) of the immediate preceding year's salary, provided, however, that such upward adjustment shall not be made in any year in which a majority of the collective bargaining agreements between the City and the various unions recognized by the City do not provide for salary or wage increases.

(c) Commencing January 1, 2006, the annual salary of members of Council shall be increased each year by an amount which shall be computed by applying that percentage of the immediately preceding year's salary that is equal to the percentage for increases in salaries and wages established for that year in a majority of the collective bargaining agreements between the City and the various unions recognized by the City. Such increase shall be effective on January 1st of each year.

(d) The salaries of members of Council shall be paid in equal semimonthly installments, as provided by Charter Section 27.

Section 2. That existing Section 173.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 3028-84, passed December 20, is hereby repealed.

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

Passed January 14, 2002.
Effective January 18, 2002.

Ord. No. 86-02.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Spanish American Committee for the sponsoring Three Kings Day in order to serve the public purpose of providing food to needy families and toys to underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Spanish American Committee for the sponsoring Three Kings Day in order to serve the public purpose of providing food to needy families and toys to underprivileged children through the use of Ward 14 Neighborhood Equity Funds.

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

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

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

Passed January 14, 2002.
Effective January 18, 2002.

Ord. No. 87-02.

By Councilman Polensek.

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Northeast Shores Development Corporation for purchasing two buildings in order to carry out the public purpose of creating and retaining jobs through the use of Ward 11 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Northeast Shores Development Corporation for purchasing two buildings in order to carry out the public purpose of creating and retaining jobs through the use of Ward 11 Neighborhood Equity Funds.

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

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

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

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

Passed January 14, 2002.
Effective January 18, 2002.

Ord. No. 101-02.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Spanish American Committee Day Care to stretch a banner on Professor Avenue between Kenilworth and Literary, for the period from January 15, 2002 to February 15, 2002, inclusive, publicizing the Day Care Center's Open Enrollment.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Spanish American Committee Day Care to install, maintain and remove a banner on Professor Avenue between Kenilworth and Literary (pole #332678 to Pole #536762 across Professor Ave.), for the period from January 15, 2002 to February 15, 2002, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed January 14, 2002.
Effective January 18, 2002.

**COUNCIL COMMITTEE
MEETINGS**

Tuesday, January 22, 2002

Community & Economic Development Committee: 9:30 a.m.—Present: Jackson, Chairman; Reed, Scott, Cintron, Zone, Lewis, Cimperman, Coats. Excused: Gordon, Vice Chairman.

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