

# The City Record

Official Publication of the City of Cleveland

September the Eighteenth, Two Thousand and Two

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE President of Council—Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	3760 East 126th Street	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	774 East 131st Street	44108
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	4326 Daisy Avenue	44109
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	10513 Clifton Boulevard	44111
19	Dona Brady	3466 Bosworth Road	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

### MAYOR – Jane L. Campbell

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

### DEPT. OF LAW – Subodh Chandra, Director, Galen L. Schuerlein, Acting Chief Counsel, Room 106

Karen E. Martines, Law Librarian, Room 100

### DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;

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

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

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

### DEPT. OF PORT CONTROL – John C. Mok, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;

Burke Lakefront Airport – Khalid Bahkur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

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

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

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

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

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

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

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

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

Property Management – Tom Nagle, Commissioner, East 49th & Harvard Recreation – Michael Cox, Commissioner, Room 8

Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

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

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

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

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

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

### DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, SEPTEMBER 18, 2002

No. 4632

## CITY COUNCIL

MONDAY, SEPTEMBER 16, 2002

### The City Record

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Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, September 16, 2002.

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

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

Also present were Mayor Campbell and Directors Chandra, Baker, Konicek, Mok, Ricchiuto, Draper, Romero, Sims, Guzman, Fumich, Taylor, Ronave and Barnes, Acting Directors Carrol, Glending and Williams. Rodney Jenkins, Executive Assistant to the Mayor, David McGuirk, Executive Assistant, Timothy Mueller, Executive Assistant, Terrell Cole, Erik Jenkins, Celeste Galascou, Director of Communications and Margreat A. Jackson, Legislative Affairs Liaison, and Jeffrey D. Johnson, Executive Assistant were also present.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened

with a prayer offered by Missionary Beatrice Bannerman of Greater Prayer Tower Church of God in Christ, located at 2606 Martin Luther King, Jr. Drive in Ward 6. Pledge of Allegiance.

#### MOTION

On the Motion of Council Member Dolan the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Scott.

#### COMMUNICATIONS

##### File No. 1830-02.

From the Village of Walton Hills — copy of Resolution No. 2002-23 re: designating September 11th as Safety Forces Appreciation Day. Received.

##### File No. 1831-02.

From the City of North Olmsted — copy of Resolution No. 2002-123 re: Urging the Ohio General Assembly to study the traffic safety risks associated with elderly drivers (over 75 years) and consider State's drivers license laws. Received.

#### FROM DEPARTMENT OF LIQUOR CONTROL

##### File No. 1832-02.

Re: New Application — 7094927 — Progroc, Inc. d.b.a., Our Neighborhood Store, 17234 Euclid Avenue, first floor and basement. (Ward 10). Received.

##### File No. 1833-02.

Re: Transfer of Ownership Application — 6381433 — Nam Nguyen, d.b.a. Hoan Nam Market, 8401 Detroit Avenue, first floor east end only. (Ward 17). Received.

##### File No. 1834-02.

Re: Transfer of Ownership Application — 2260087 — Donya Kareem, Inc., d.b.a. Quick Stop, 1054 East 71st Street, first floor front. (Ward 7). Received.

##### File No. 1835-02.

Re: Transfer of Ownership Application — 5652551 — Maxes II, Inc., d.b.a. Hard Days Night Cafe, 2030 East 9th Street, 1st floor, Mezzanine & basement. (Ward 13). Received.

##### File No. 1836-02.

Re: Stock Transfer Application — 71337770005 — Quasem, Inc., 2747 Cedar Avenue, first floor and basement. (Ward 5). Received.

**File No. 1837-02.**

Re: Stock Transfer Application — 8857176 — T. H. & Sons, Inc., d.b.a. Club 75, 75 Public Square, Suite B-100. (Ward 13). Received.

**File No. 1838-02.**

Re: Liquor Agency Contract — 71337770005 — Quasem, Inc., 2747 Cedar Avenue, first floor and basement. (Ward 5). Received.

**OATH OF OFFICE****File No. 1839-02.**

Steven Sims — oath of office — Director of Economic Development. Received.

**STATEMENT OF WORK  
ACCEPTED****File No. 1840-02.**

From the Department of Parks, Recreation and Properties — Contract PI #59472, Archmere Park Tennis Court Improvements. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1863-02** — Christine Winters.

**Res. No. 1864-02**—Woody Pippens, Sr.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 1865-02**—Gerald Still.

**Res. No. 1866-02**—Norm Kobal.

**Res. No. 1867-02**—Rev. John C. Dalton.

**Res. No. 1868-02**—John Barnhart.

**Res. No. 1869-02**—Dorothy Nowak Kitzerow.

**Res. No. 1870-02**—Robert A. Lazzaro.

**Res. No. 1871-02**—John C. Redman.

**Res. No. 1872-02**—Wayne M. Linek, Ph.D.

**Res. No. 1873-02**—Anthony Smith.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1874-02**—Mary Ford.

**Res. No. 1875-02**—Fannie Flewelon.

**Res. No. 1876-02**—Lela Patterson.

**WELCOME RESOLUTION**

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

**Res. No. 1877-02**—Hilary O. Shelton.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED****Ord. No. 1841-02.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to employ one or more cost recovery**

**companies to identify credits and refunds due the City of Cleveland from errors relating to utility billings and to provide an analysis with cost-reducing recommendations for consideration by the City.**

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

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

**Section 1.** That the Director of Finance is authorized to employ one or more cost recovery companies or one or more firms of cost recovery companies for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to identify credits and refunds due the City of Cleveland from errors relating to utility billings, and to provide an analysis with cost-reducing recommendations for consideration by the City.

The selection of the consultant or consultants for the services shall be made by the Board of Control upon the nomination of the Director of Finance from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling such a list. The contract authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

**Section 2.** That the cost for the services shall be fixed by the Board of Control prior to the time any actual work is performed.

**Section 3.** That the agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the public interest.

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

Referred to Directors of Finance, Law; Committee on Finance.

**Ord. No. 1842-02.**

**By Council Member Jackson (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of exterminating services, for the various divisions of City government.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts in accordance with the Char-

ter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of exterminating services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 104743)

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

Referred to Directors of Finance, Law; Committee on Finance.

**Ord. No. 1843-02.**

**By Council Member Cimperman.**

**An emergency ordinance to change the name of East 9th Street from North Coast Harbor to Carnegie Avenue to "East 9th Street-Rock & Roll Boulevard".**

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

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

**Section 1.** That notwithstanding any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary the name of East 9th Street, from North Coast Harbor to Carnegie Avenue, is hereby changed to "East 9th Street-Rock & Roll Boulevard".

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

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

**Ord. No. 1844-02.****By Council Members Zone and Cimperman.****An emergency ordinance to amend Section 337.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 552-96, passed June 10, 1996, relating to townhouse districts.**

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 337.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 552-96, passed June 10, 1996 is hereby amended to read as follows:

**Section 337.031 Townhouse (RA) Districts**

(a) Purpose. Townhouse Districts (i.e., Residential Attached districts) are established to provide sites for low-rise development of attached residential units at medium to high densities. Such developments are intended to serve as a transition between areas of detached residences and areas of higher intensity development or to serve as a means of clustering housing units on sites which can be developed most appropriately through such clustering.

(b) Definitions. A "townhouse unit" is a single dwelling unit, situated at ground level, served by its own exclusive exterior entrance, and attached to one or more other such units by fire walls or fire separation walls. A "townhouse building" is a building composed of two or more townhouse units. The terms "townhouse" and "row house" shall have the same meaning unless otherwise indicated.

(c) Permitted Uses. In a Townhouse District, permitted uses are limited to townhouse buildings and all main and accessory uses permitted and as regulated in Two-Family Districts. However, notwithstanding the provisions of Section 355.05 regarding existing lots of record, lots established for development of attached residences shall not be developed or redeveloped for detached residences unless such lots meet all prevailing regulations applicable to the development of detached residences.

(d) Ownership. Townhouse units may be in condominium ownership, where two or more units are located on a single lot, or in a type of ownership where each unit is located on a separate lot. Each townhouse development shall conform to the regulations applicable to its form of ownership.

(e) District Establishment. The following Townhouse Districts are hereby established: RA-1, RA-2, and RA-3 (with the abbreviation "RA" indicating "Residential, Attached" and the numerals indicating that the districts are listed in order of "density," from lowest to highest).

(f) Site Planning and Design. No Building Permit shall be issued for the original construction of a townhouse unit or townhouse building without approval of the City Planning Commission, which shall seek to ensure that the development meets the following standards of site planning and architectural design.

(1) Compatibility. The development shall be visually compatible with nearby properties with respect to such design elements as scale, height, setback, orientation to existing streets, open spaces, roof lines, architectural style, materials, colors, and proportions of architectural features. Furthermore, the development shall not adversely affect the use of nearby properties with respect to such factors as pedestrian and vehicular access, privacy, safety, and obstructions to light and air.

(2) Site Layout. Buildings, structures and landscape features shall be arranged so as to create visual interest, avoid monotony, maximize privacy, conserve natural features, minimize the need for grading, provide for usable areas of common and private open space, facilitate efficient vehicular and pedestrian circulation, and promote security and personal safety.

(3) Building Design. Townhouse units shall be designed so as to create visual interest and differentiate individual units through variations in roof lines, wall setbacks and building materials or through use of porches, bay windows, and other projecting elements. Garages shall be placed to the rear of the residential units or, if located in the front of units, shall be designed and placed in a manner which reduces their visual prominence.

(4) Circulation and Parking. Circulation and parking shall be designed in a manner which provides proper access for service and safety vehicles, minimizes conflicts between pedestrians, and vehicles, minimizes the number of curb cuts onto major streets, avoids placing excessive traffic on local residential streets, avoids unenclosed parking in front yards, and avoids placement of garage doors so close to sidewalks as to impair pedestrian safety.

(g) Area and Yard Regulations. The following yard and area regulations shall apply to townhouse developments in RA-1, RA-2, and RA-3 Districts and in other zoning districts which permit townhouse development. All figures are minimum requirements unless otherwise stated. The City Planning Commission may require greater restrictions as necessary to meet the standards of division (f). For main buildings other than townhouses and for accessory uses and structures, regulations of the Two-Family District shall apply.

	<b>RA-1 District</b>	<b>RA-2 District</b>	<b>RA-3 District</b>
Lot Area per Townhouse Unit (sq. ft.)	1750	1250	550
Lot Width (ft.)	22	18	14
Townhouse Unit Width (ft.)	22	18	14
Townhouse Units per Building (max.)	8	8	not restricted
Townhouse Units per Building (min.) (except that 2-unit bldgs. shall be permitted if at least one bldg. of 3 or more units is included as part of a single development on one or more contiguous lots)	3	3	3

Side Street Yard Depth (ft.)	7	5	0
Interior Side Yard Depth (ft.) <sup>1</sup>			
Adjoining 1- or 2-Fam District	15	10	10
Adjoining Other District	7	5	0
Front Yard Depth (ft.)	20	20	0
Rear Yard Depth (ft.)			
Adjoining 1- or 2-Fam District	20	20	20
Adjoining Other District	20	10	0
Distance Between Bldgs. on Same Lot (ft.) <sup>2</sup>			
Window Wall to Window Wall	20	20	20
Window Wall to Non-Window Wall	15	12	10
Non-Window Wall to Non-Window Wall	10	7	5
Building Coverage (max.) (% of lot covered by buildings)	60%	70%	100%
Common Open Space (sq. ft. per unit) (applies only to condominium developments)	250	150	0
Private Open Space (sq. ft. per unit) <sup>3</sup>	150	100	0
Residential Floor Area  (sq. ft. per unit)	950	950	950

<sup>1</sup> does not apply to lot lines separating attached dwellings in a non-condominium townhouse development

<sup>2</sup> "Window wall" is a building wall with a window opening onto a living space; "non-window wall" is a building wall with no windows opening onto a living space

<sup>3</sup> garden, deck, patio, balcony, solarium or similar open space adjacent to the residence, for the private use of the resident household

(h) Common Open Space. Common open space required by regulations of this section shall consist of land or a combination of land and water of such condition, size, shape and location as to be usable for active recreation and/or scenic enjoyment by the residents of the townhouse development, as determined by the City Planning Commission. Common open space shall not include driveways, parking areas or structures other than those structures devoted to recreational use. The applicant shall provide, to the Commissioner of Building and Housing, evidence of legally enforceable mechanisms to ensure perpetual preservation of such land as common open space and to ensure proper maintenance.

(i) Easements for Zero Lot Line Buildings. Where the City Planning Commission determines that provision of an easement is necessary to ensure proper access, light and air to a building placed directly on a lot line, the Commission may require provision of such easement as a condition of the issuance of a Building Permit for construction of the zero-lot-line building. The easement shall be shown on the recorded plat and incorporated into each deed transferring title to the property.

(j) Variations from Area and Yard Regulations. The Board of Zoning Appeals may approve variations from area and yard regulations applicable to townhouse developments if the Board determines that such variations are necessary to achieve an appropriate development of the site and that such variations will not result in safety or health hazards and will not be injurious to the use or value of nearby properties. In making such a determination, the Board shall consider a recommendation made by the City Planning Commission on the basis of the site plan and design review conducted in accordance with the provisions of division (f) of this section.

**(k) Homeowners Association. Any townhouse development consisting of individual townhouse units situated on separate parcels of land shall establish homeowners association to ensure coordination and appropriate execution of exterior alterations and maintenance. The homeowners association shall, at a minimum, have authority to review and approve all exterior alterations to the buildings and the property comprising the townhouse development and shall have the power to assess homeowners, as necessary, for exterior repairs. A draft of the homeowners association declaration shall be submitted to the Director of the City Planning Commission for review and approval at the time of application for a building permit. The Director of the City Planning Commission shall review the declaration of the homeowners association to ensure that the minimum requirements of this section are met. A declaration of the homeowners association shall be filed and recorded with the Cuyahoga County Recorder's Office and evidence of such filing and recording shall be submitted to the Commissioner of Building and Housing prior to the issuance of an initial Certificate of Occupancy by the City.**

**Section 2.** That existing Section 337.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 552-96, passed June 10, 1996 is hereby repealed.

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

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

**Ord. No. 1845-02.  
By Council Members Sweeney,  
Johnson, Reed and Jackson (by de-  
partmental request).**

**An emergency ordinance authorizing the purchase, lease or lease to purchase by requirement contract of various types of heavy duty vehicles and apparatus for various divisions of the Departments of Public Service, Parks, Recreation and Properties, and Public Safety.**

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

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

**Section 1.** That the Director of Public Service is authorized to make a written requirement contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various types of heavy duty vehicles and apparatus set forth in File No. 1845-02-A, in the estimated sum of \$6,250,000, to be purchased, leased or leased to purchase by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Departments of Public Service, Parks, Recreation and Properties, and Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

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

**Section 3.** That the City may enter into a lease-purchase arrangement for the heavy duty vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$7,000,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase arrangement for fiscal years beginning after December 31, 2002 are subject to annual appropriations being

made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years, and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$210,000, which amount is appropriated for that purpose. The Director of Finance is authorized to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary and appropriate in order to provide for that lease-purchase arrangement under the terms and conditions authorized and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component and that the interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (I) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (The "Code"), or be treated other than as an obligation to which Section 103(a) of the Code applies, and (II) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Service may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in this ordinance. The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

**Section 4.** That it is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

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

**Ord. No. 1846-02.**

**By Council Member Cintron.  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Newark Avenue and West 48th Street to Clark-Metro Development Corporation.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-28-072 as more fully described below, to Clark-Metro Development Corporation.

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

P. P. No. 007-28-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 25 feet and 3/10 feet of Sublot No. 132 in Rhoades, Hartnell, Barber and Selden's Subdivision of a part of Original Brooklyn Township Lot No. 54, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 3 of Cuyahoga County Records. Said part of Sublot No.132 has a frontage of 25-3/10 feet on the Southerly side of Newark Avenue, S.W. (formerly Newark Street) and extends back between parallel lines 125 feet to the Northerly line of Newark Court S.W. as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-28-073 as more fully described below to Clark-Metro Development Corporation.

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

P. P. No. 007-28-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 9-7/10 feet of Sublot No. 132 and the Westerly 16.67 feet of Sublot No. 133 in Rhoades, Hartnell, Barber and Selden's Subdivision of a part of Original Brooklyn Township Lot No. 54, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 3 of Cuyahoga County Records. Said parts of said Sublot Nos. 132 and 133 together forming a parcel of land having a frontage of 26.37 feet on the Southerly side of Newark Avenue, S.W., (formerly Newark Street) and extending back between parallel lines 125 feet to the Northerly line of Newark Court, S.W., as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-28-074 as more fully described below, to Clark-Metro Development Corporation.

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

P. P. No. 007-28-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 18.33 feet of Sublot No. 133 and the Westerly 18 feet 4 inches of Sublot No. 134 in Rhodes, Hartnell, Barber and Selden's Subdivision, of part of Original Brooklyn Township Lot No. 54 as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 3 of Cuyahoga County Records. Said parts of said Sublot Nos. 133 and 134 together forming a parcel of land having a frontage of 36-36.66 feet on the Southerly side of Newark Avenue, S.W., (formerly Newark Street) and extending back between parallel lines 125 feet to the Northerly line of Newark Court S.W., as appears by said plat.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 016-12-026 as more fully described, to Clark-Metro Development Corporation.

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

P. P. No. 016-12-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 496 in J.M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 10 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 48th Street, and extending back of equal width 125 feet deep, as appears by said plat.

Also subject to all zoning ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 016-13-037 as more fully described below, to Clark-Metro Development Corporation.

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

P. P. No. 016-13-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 504 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47 as shown by the recorded plat in Volume 3 of Maps, Page 10 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 48th Street and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 11.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 12.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 13.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 14.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1847-02.**

**By Council Member**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1421 East 85th Street to Jo Anne Elkins.**

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

lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-15-048, as more fully described below, to Jo Anne Elkins.

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

P. P. No. 107-15-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio to-wit: and known as being part of Original One Hundred Acre Lot No. 383 and bounded and described as follows:

Beginning on the Easterly line of East 85th Street (formerly Commonwealth Avenue) as dedicated in Volume 19 of Maps, Page 20 of Cuyahoga County Records, at a point distant Southerly, 228 feet, with the Southerly line Decker Avenue, N.E., (formerly Gale Avenue) thence Southerly along said Easterly line of East 85th Street, 33.50 feet; thence Easterly parallel with said Southerly line of Decker Avenue, N.E., 102 feet; thence Northerly parallel with said Easterly line of East 85th Street, 33.50 feet; thence Westerly parallel with said Southerly line of Decker Avenue, S.E., 102 feet to the place of beginning, and being further known as Northerly 33.50 feet of Parcel No. 125 in L.M. Southern's Wade Park Avenue Allotment Proposed of part of Original One Hundred Acre Lot No. 383, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public



interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 1848-02.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Quimby Avenue to Oriana House, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-20-035, as more fully described below, to Oriana House, Inc.

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

P. P. No. 104-20-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in Johnson, Bates and Stone's Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 8 of Maps, Page 24 of Cuyahoga County Records, bounded and described as follows:

Commencing at a point in the Southerly line of Quimby Avenue, N.E., 60 feet wide, at the Northeast corner of Sublot No. 10. Thence Southerly along the Easterly line of Sublot No. 10, 111.85 feet to a point and the principal place of beginning. Thence Southerly along the Easterly line of Sublot No. 10, 88.13 feet to a point being the Southeast corner of Sublot No. 10 and the Northerly line of Belvidere Avenue, N.E. Thence Westerly along the Southerly line of Sublot No. 10 being the Northerly line of Belvidere Avenue 49.99 feet to a point being the

Southwesterly corner of Sublot No. 10. Thence Northerly along the Westerly line of Sublot No. 10, 88.14 feet to a point. Thence Easterly parallel with the Southerly line of Quimby Avenue 49.99 feet to the principal place of beginning, be the same more or less, but subject to all legal highways.

Subject to restrictions recorded in Volume 1019, Page 508 of Cuyahoga County Records.

Subject to right of way 10 feet wide (the center line of which is the dividing line between Sublot Nos. 10 and 11) recorded in Volume 997, Page 493 of Cuyahoga County Records.

Common easements recorded in Volume 7092, Page 273 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 1849-02.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9520 Fuller Avenue to Burten, Bell, Carr Development, Inc.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, adminis-

tered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 127-16-129, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 127-16-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in Abraham Fuller's Subdivision of part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 6 of Maps, Page 11 of Cuyahoga County Records and being 40 feet front on the Southerly side of Fuller Avenue, S.E., and extending back between parallel lines 133.6 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 1850-02.**

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

**An emergency ordinance to enact Section 187.16 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the Director of the Office of Equal Opportunity conducting the James H. Walker Construction Management Training Course.**

Whereas, the Office of Equal Opportunity is required, under Section 123.08, to plan and participate in training seminars for the purpose of informing potential bidders of the minority and female business enterprise programs and of business opportunities available; and

Whereas, the Office of Equal Opportunity sponsors the James H. Walker Construction Management Training Course for those purposes; and

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, is supplemented by enacting new Section 187.16 to read as follows:

**Section 187.16 James H. Walker Construction Management Training Course**

(a) The Director of the Office of Equal Opportunity is authorized to conduct the James H. Walker Construction Management Training Course up to twice annually and to fix and collect registration fees from participants.

(b) The Director of the Office of Equal Opportunity is authorized to make purchases and enter into one or more agreements in accordance with the Charter and relevant Codified Ordinances for course materials, supplies, refreshments, graduation dinners, and, if necessary, rental of a site for the course or courses.

(c) The Director of the Office of Equal Opportunity shall deposit the registration fees collected from participants in the course or courses into the MBE/FBE Educational Program Account, and all expenditures made under this section shall be paid from that account and are appropriated for these purposes.

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

Referred to Directors of Office of Equal Opportunity, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 1851-02.**

**By Council Member Cimperman.**  
**An emergency resolution authorizing the Mayor to sign a dedication plat for Erieside Drive and Old Erieside Avenue Widening.**

Whereas, the City of Cleveland owns the land for the Erieside Drive and Old Erieside Avenue Widening, and;

Whereas, it is required that a plat be signed by the Mayor on behalf of the City of Cleveland dedicating to public use the land for the Erieside Drive and Old Erieside Avenue Widening.

Whereas, this resolution constitutes an emergency measure in that the same provides for the preservation of public health, property and the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Mayor be and he is hereby authorized and directed on behalf of the City of Cleveland, to sign and execute a plat dedicating to public use Erieside Drive and Old Erieside Avenue Widening as shown on said plat as prepared by the Division of Engineering and Construction of the City of Cleveland.

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

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

**Res. No. 1852-02.**

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

**An emergency resolution declaring the necessity and intention to appropriate property for public use for the acquisition, clearance and redevelopment, according to the Kinsman Road/East 80th Street/East 82nd Street Community Development Plan, of the blighted area.**

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 for the public purpose of acquisition, clearance and redevelopment, according to the Kinsman Road/East 80th Street/East 82nd Street Community Development Plan, of the blighted area it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property:

**Permanent Parcel No. 127-01-013**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Nos. 105, 106, 107, 108, 109, 110 in Charles Leavitt's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 62 of Cuyahoga County Records.

Said Sublot Nos. 105, 106, 107, 108, 109 and 110 together form a parcel of land having a frontage of 190 feet on the Easterly side of East 80th

Street (formerly Atlantic Street) and extending back 141 feet 7. inches on the Northerly line, 141 feet 4. inches on the Southerly line and having a rear line of 190 feet, as appears by said plat.

**Permanent Parcel No. 127-01-014**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 111, 112, 113, 114, 115 and 116 in Charles Leavitt's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 62 of Cuyahoga County Records and together forming a parcel of land having a frontage of 185 feet on the Easterly side of East 80th Street (formerly Atlantic Street) and extending back 141 feet 4 1/2 inches deep on the Northerly line, 141 feet 3/4 inches deep on the Southerly line which is also the Northerly line of Preble Avenue S.E. (formerly Pine Street), and being 185 feet in the rear, excepting therefrom the parcel of land being the Easterly 71 feet of Sublots Nos. 114, 115 and 116, said parcel having a frontage of 71 feet on the Northerly side of Preble Avenue, and extending back a distance of 95 feet, as appears by said plat.

**Permanent Parcel No. 127-08-005**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 103 and the Northerly 20 feet of Sublot No. 104 in Charles Leavitt's Subdivision of part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 5 of Maps, Page 62 of Cuyahoga County Records.

**Permanent Parcel No. 127-07-004**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 109 in C.C. Baldwin's Re-Allotment of A.C. Armstrong's Allotment of a part of Original One Hundred Acre Lot No. 431, as shown by the recorded plat in Volume 14 of Maps, Page 20 of Cuyahoga County Records, as appears by said plat.

**Section 2.** That the Director of Finance is authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above mentioned premises, and the notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**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.

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

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

**Ord. No. 1853-02.**

**By Council Member Cimperman.**

**An emergency ordinance authorizing the Director of Parks, Properties, and Recreation to enter into an agreement with Goodrich-Gannett Neighborhood Center for the Flower Power Program through the use of Ward 13 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Parks, Properties, and Recreation is authorized to enter into an agreement with the Goodrich-Gannett Neighborhood Center for the Flower Power Program for the public purpose of providing beautification of green space in the City of Cleveland for City residents through the use of Ward 13 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$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.

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

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

**Ord. No. 1854-02.**

**By Council Member Conwell.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 9. (Sharlene Miller).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business district, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 9; and

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

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

**Section 1.** That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow

each persons named below to engage in mobile peddling in the public rights of way of Ward 9: Sharlene Miller.

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

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

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

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

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

**Ord. No. 1855-02.**

**By Council Members Coats and Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with SCT to provide financial reports from Cleveland Public Power's banner billing system, for the Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more contracts with SCT for professional services necessary to provide financial reports from Cleveland Public Power's banner billing system on the basis of their proposal dated September 3, 2002, in the total sum of \$127,440.00, payable from Fund No. 58 SF 001, Request No. 122426, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

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

**Ord. No. 1856-02.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with SBC Global Services, Inc. for materials and services necessary to provide dedicated Internet access and security monitoring for the computer Network for Cleveland City Council.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to enter into an agreement with SBC Global Services, Inc. for materials and services necessary to provide dedicated Internet access and security monitoring for the computer Network for Cleveland City Council on the basis of its proposal dated September 11, 2002.

**Section 2.** That the cost for such services and purchases contemplated herein shall be paid from Fund No. 01, Subfund No. 001.

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

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

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

**Ord. No. 1857-02.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the Clerk of Council to cause payment of registration fees, travel expenses, hotel expenses and other expenses necessary for members and employee's of Cleveland City Council to attend National League of Cities.**

Whereas, National League of Cities coordinates an annual convention to assist municipal legislators in serving their constituents; and

Whereas, members and employees of Cleveland City Council have traditionally attended this annual convention; and

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

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

**Section 1.** That the Clerk of Council is hereby authorized to cause payment of registration fees, travel expenses, hotel expenses and other expenses necessary for members and employees of Cleveland City Council to attend National League of Cities.

**Section 2.** That the payments hereby authorized shall be paid from Fund No. 01 SF 001.

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

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

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

**Ord. No. 1858-02.**

**By Council Member Westbrook.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9901 Madison Avenue to Trinity Methodist Church.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 005-23-079, as more fully described below, to Trinity Methodist Church of God.

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

P. P. No. 005-23-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 74 and 75, (excepting the Southerly 2.50 feet of each of said Sublots) in the Fliedner and Schmidt Subdivision of part of Original Brooklyn Township Lot No. 13, as shown by the recorded plat in Volume 31 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land 79.02 feet front on the Southerly side of Madison Avenue, N.W., and extending back 111.50 feet to the Westerly line, and 111.50 feet on the Easterly line (which said also the Westerly line of West 99th Street) and having a rear line of about 79.82 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary

to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

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

**Ord. No. 1859-02.**

**By Council Member Pierce-Scott.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Cultural Garden Federation to use Cleveland Public Power utility poles (by separate permission) to stretch one (1) banner publicizing "Teachers Day" for the period of September 13, 2002 to September 30, 2002, inclusive.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cleveland Cultural Garden Federation to install, maintain and remove one (1) banner to be placed on Cleveland Public Power utility poles, (by separate permission), for the period of September 13, 2002 to September 30, 2002, inclusive, publicizing a "Teachers Day" event, and which banner is to be placed at the following pole locations and on the following pole numbers: at Martin Luther King Jr. Drive at the Chinese Garden (West side), No Tag or Number; and at the 1st pole North of the Chinese Garden (East side), No Tag or Number, and 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 placed 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.

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

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

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

**Res. No. 1860-02.**

**By Council Member Cimperman.**  
**An emergency resolution withdrawing objection to the issuance of a New C2 Liquor Permit to 6313 St. Clair Avenue and repealing Resolution No. 439-02, objecting to said issuance.**

Whereas, this Council objected to the issuance of a New C2 Liquor Permit to 6313 St. Clair Avenue by Resolution No. 439-02 adopted by Council on March 11, 2002; and

Whereas, this Council wishes to withdraw its objection to the above issuance and hereby consents to said issuance; 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 issuance of a New C2 Liquor Permit to 6313 St. Clair Avenue be and the same is hereby withdrawn and Resolution No. 439-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

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

**Res. No. 1861-02.**

**By Council Members Coats and Britt.**

**An emergency resolution recognizing the accomplishments and value of the Clean Water Act and declaring October 18, 2002 to be "Clean Water Act Day" in the City of Cleveland.**

Whereas, maintaining and improving water quality is essential to protect public health, fisheries, wildlife and watersheds and to ensure abundant opportunities for public recreation and economic development; and

Whereas, Cleveland's beaches, streams and Lake Erie are an invaluable natural resource benefiting local residents and contributing to a flourishing recreation and tourism industry; and

Whereas, due to pollution, 53% of Ohio's lakes, rivers and coastal areas are unfishable and unswimmable; and

Whereas, wetlands continue to be lost at an alarming rate within the State of Ohio and within the City of Cleveland; and

Whereas, raw sewage discharges still flow through communities across the United States, including Cleveland; and

Whereas, it is the responsibility of the government and of all American citizens to provide and protect clean water for future generations; and

Whereas the Clean Water Act is the primary federal law that protects our nation's lakes, rivers, aquifers and coastal areas and seeks to ensure Americans will enjoy clean water safe for swimming and fishing; and

Whereas, the quality of our waters has improved dramatically as a result of cooperative efforts by federal, state, tribal and local governments to implement the pollution control programs established in 1972 by the Clean Water Act, as well as tireless efforts by other non-governmental organizations and citizens; and

Whereas, serious water pollution problems still persist throughout Cleveland and Ohio and significant challenges lie ahead in the effort to protect water resources from point and nonpoint sources of pollution including raw sewage discharges and contaminated storm water discharges and in the effort to clean up those water resources that are already polluted beyond standards; and

Whereas, the Clean Water Act continues to provide a clear path for clean water and a solid foundation for an effective national clean water program; and

Whereas, enforcement of the Clean Water Act is tantamount to realization of the goals of fishable and swimmable waters for all; and

Whereas, the 30th anniversary of the enactment of the Clean Water Act in October, 2002 is a prime opportunity to recommit to meeting the goals of the Clean Water Act; and

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

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

**Section 1.** That this Council hereby recognizes the accomplishments and value of the Clean Water Act and declares October 18, 2002 to be "Clean Water Act Day" in the City of Cleveland.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to appropriate members of the Ohio Environmental Council.

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

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

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

#### **Res. No. 1862-02.**

**By Council Member Conwell.**

**An emergency resolution withdrawing objection to the stock transfer of a D5 Liquor Permit to 11239-43 Superior Avenue and repealing Resolution No. 952-02, objecting to said stock transfer.**

Whereas, this Council objected to the issuance of a stock transfer of a D5 Liquor Permit to 11239-43 Superior Avenue by Resolution No. 952-02 adopted by Council on May 13, 2002; and

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

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

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

**Section 1.** That objection to the issuance of a stock transfer of a D5 Liquor Permit to 11239-43 Superior Avenue be and the same is hereby withdrawn and Resolution No. 952-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

#### **SECOND READING EMERGENCY ORDINANCES PASSED**

##### **Ord. No. 1543-02.**

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

An emergency ordinance to amend the title and Sections 1 and 2 of Ordinance No. 219-01, passed March 19, 2001, relating to the rehabilitation of the Fries & Schuele Building and the construction of a mixed-use condominium and parking structure.

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

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

##### **Ord. No. 1549-02.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Clean Ohio Assistance Fund, for a Clean Ohio assessment Grant for Phase II remediation on property located at 1088 Ivanhoe Road and 1050 Ivanhoe Road to be used for the future development of a 40-acre industrial park to be locat-

ed at Five Points; and authorizing said Director to enter into contracts with Second Growth to implement the project.

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

1. In Section 2, line 2, after "1549-02-A", insert **"in the revised version submitted on September 10, 2002."**

Amendment agreed to.

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

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

##### **Ord. No. 1709-02.**

**By Council Member Jackson (by departmental request).**

An emergency ordinance providing for the issuance and sale of Taxable Urban Renewal Temporary Refunding Bonds in the principal amount not to exceed \$4,350,000 for the purpose of (1) refunding outstanding Taxable Urban Renewal Notes, Series 2001 issued for the purpose of acquiring property for Urban Renewal Project Activities and (2) paying certain costs of issuance of said Refunding Bonds; and authorizing related matters.

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

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

##### **Ord. No. 1713-02.**

**By Council Member Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of maintenance for telephones, products and ancillary equipment, for the Division of Information Systems Services, Department for a period of one year, with two options to renew for an additional one-year consecutive term.

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

1. In the title, line 7, after "Department" insert **"of Finance"**, strike lines 8, 9, and 10 in their entirety and insert **"one year."**

2. In Section 1, in lines 7 and 8, strike **"**, with two (2) options exercisable by the Director of Finance, to renew for an additional one-year consecutive term"; and at the end of the section, insert the following: **"Prior to the expiration of the contract or contracts authorized by this ordinance, the Director of Finance shall provide a report to this Council, including a description of the services performed, the amount paid for those services, and recommendations as to the best manner of accomplishing the work after the expiration of the contract(s)."**

Amendments agreed to.

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

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

**Ord. No. 1714-02.**

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by contract or contracts of City-wide paging and wireless service, for the Division of Information Systems Services, Department of Finance, for a period of one year, with two options to renew for an additional one-year consecutive term.

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

1. In the title, strike lines 7, 8, and 9 in their entirety and insert "of one year."

2. In Section 1, in lines 8, 9 and 10, strike "with two (2) options exercisable by the Director of Finance, to renew for an additional one-year consecutive term."

Amendments agreed to.

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

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

**Ord. No. 1716-02.**

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

An emergency ordinance approving the terms and conditions for the transfer of City-owned property located at 20900 Brookpark Road to the National Aeronautics and Space Administration.

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

1. In Section 1, at F. lines 1 and 2, strike "terminate NASA's interest in the property" and insert "seek an injunction"; and in line 4, after "restrictions," insert "and to terminate NASA's interest in the property."

2. In Section 1, after F. insert new division "G." to read as follows:

"G. NASA shall consult with the Director of Port Control prior to using the property for other than parking purposes."

Amendments agreed to.

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

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

**Ord. No. 1717-02.**

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

An emergency ordinance determining the necessity of the emergency upgrade and relocation of the security checkpoints at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into an agreement with Continental Airlines Inc. for the design and installation of the security checkpoint entrances.

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

1. In Section 1, line 10, after "Airport." Insert the following: "Consistent with legislation previously passed by this Council relating to expansion and improvements of facilities at Cleveland Hopkins International Airport, the Director of Port Control shall include in the agreement authorized by this ordinance a requirement that Continental Airlines, Inc. use best efforts to meet the following employment goals: For all design and construction contracts, 30% minority business enterprises and 10% female business enterprises, and for new construction hires, 35% City of Cleveland residents."

Amendment agreed to.

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

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 1733-02.**

By Council Member Jackson (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the year 2003, as required by State Law, Chapter 5705 of the Revised Code.

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

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

**THIRD READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1060-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paint and paint supplies, for the various divisions of the City government, for a period not to exceed one year.

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

**Ord. No. 1061-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material necessary to maintain typewriters, for the various divisions of City government, for a period not to exceed one year.

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

**Ord. No. 1063-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of lamps, for the various divisions of City government, for a period not to exceed one year.

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

**Ord. No. 1064-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper and cloth wipers, for the various divisions of City government, for a period not to exceed one year.

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

**Ord. No. 1065-02.**

By Councilman Jackson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of fasteners, for the various divisions of City government, for a period not to exceed one year.

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

**MOTION**

By Council Member Scott and seconded by Council Member Rybka and unanimously carried that the absence of Council Member Merle R. Gordon, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:00 p.m. to meet on Monday, September 23, 2002, at 7:00 p.m. in the Council Chambers.



Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

September 10, 2002

The special meeting of the Board of Control convened in the Mayor's office on Tuesday, September 10, 2002, at 10:30 a.m. with Mayor Campbell presiding.

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

Absent: None.

Others: Myrna Branche, Commissioner, Purchases and Supplies.

Henry Guzman, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 608-02.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Smart Solutions, Inc., for an estimated quantity of computer and

related hardware equipment, items 1, 2, 3, 5 for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 16, 2002, pursuant to the authority of Ordinance No. 862-2000, passed April 17, 2000, which on the basis of the estimated quantity would amount to One Million Four Hundred Ninety Three Thousand Four Hundred Five and 00/100 Dollars (\$1,493,405.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 123021 which shall be certified against such contract in the sum of Seventy Four Thousand Six Hundred Seventy One and 00/100 Dollars (\$74,671.00).

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

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

Nays: None.  
Absent: None.

**Resolution No. 609-02.**

By Director Baker.

Resolved, by the Board of Control of the City of Cleveland that the bid of Boise Office Solutions, Inc., for an estimated quantity of computer and related hardware equipment, items 4 and 6, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on August 16, 2002, pursuant to the authority of Ordinance No. 862-2000, passed April 17, 2000, which on the basis of the estimated quantity would amount to One Hundred Fifty Three Thousand Eight Hundred Thirty Six and 75/100 Dollars (\$153,836.75), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 122412 which shall be certified against such contract in the sum of Ten Thousand and 00/100 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, Directors Chandra, Baker, Konicek, Acting Director Nielson, Director Ricchiuto,

Acting Director Carroll, Director Draper, Acting Director Glending, Directors Hudecek, Romero, Sims, Fumich and Taylor.

Nays: None.  
Absent: None.

**Resolution No. 610-02.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Boyas Excavating, Inc. for an estimated quantity of disposal of debris at landfill sites, item nos. 1, 4 and 5, for the Divisions of Cleveland Public Power, Water and Water Pollution Control, 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 August 2002, pursuant to the authority of Ordinance No. 1742-01, passed December 10, 2001, which on the basis of the estimated quantity would amount to Four Hundred Ten Thousand Nine Hundred Eighty and no/100 Dollars (\$410,980.00) (2%, 30 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. 122411 and 122991 which shall be certified against such contract in the sum of

Req. #122411 — Fifty Thousand and no/100 Dollars (\$50,000.00)

Req. #122991 — One Hundred Thousand and no/100 Dollars (\$100,000.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Boyas Excavating, Inc. for the disposal of debris at landfill sites for the above-mentioned Requirement Contract is hereby approved:

**Subcontractor — MBE/FBE**

Interstate Safety & Service  
\$30,000.00 — (FBE) — (7.30%)

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

Nays: None.  
Absent: None.

**Resolution No. 611-02.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 14, 2002, for disposal of debris at landfill sites, item nos. 2 and 3, for the Divisions of Cleveland Public Power, Water and Water Pollution Control, Department of Public Utilities, pursuant to the authority Ordinance No. 1742-01, passed by the Council of the City of Cleveland on December 10,

2001, be and the same are hereby rejected.

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

Nays: None.  
Absent: None.

**Resolution No. 612-02.**

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Vandra Brothers Construction, 24629 Broadway Ave. Oakwood Village, Ohio 44146, for the public improvement of East 79th Street (St. Clair Ave. to Chester Ave.), for the Division of Engineering and Construction, Department of Public Service, received on August 22, 2002, pursuant to the authority of Ordinance No. 1032-01, passed June 19, 2001, as amended by Ordinance No. 1785-01, passed December 9, 2001, upon a unit basis for the improvement in the aggregate amount of Five Million, Four Hundred Eighty-Three Thousand, Five Hundred Forty-Four and 11/100 Dollars (\$5,483,544.11), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Vandra Brothers Construction for the aforementioned public improvement hereby is approved:

Collinwood Shale Brick &  
Concrete Co. — (FBE)  
12400 Broadway  
Cleveland, Ohio 44125

Cuyahoga Supply & Tool, Inc.  
(FBE)  
5340 Perkins Road  
Broadview Heights, Ohio 44146

McTech Corp./Tech Ready Mix  
(MBE)  
5000 Crayton Road  
Cleveland, Ohio 44101

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

Nays: None.  
Absent: None.

**Resolution No. 613-02.**

By Director Glending.

Whereas, the City of Cleveland is sponsoring and celebrating Unity Week the week of September 9, 2002; and

Whereas, Unity Week is of particular importance and significance during the time of the one-year anniversary of the September 11 terrorist attacks; and

Whereas, as a part of Unity Week, the City is sponsoring Gospelfest at the Cleveland Convention Center on Saturday, September 14, 2002; and

Whereas, Gospelfest is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that in accordance with the provisions of

Section 133.14(f) of the Codified Ordinances of Cleveland, Ohio 1976, and as an exception to Resolution No. 356-96, adopted by the Board of Control on May 29, 1996 and Resolution No. 35-99, adopted by the Board of Control on January 27, 1999, there shall be no rental charge for the use of the Cleveland Convention Center for Gospelfest on September 14, 2002.

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

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

REYNALDO GALINDO,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 30, 2002

9:30 A.M.

**Calendar No. 02-235:** 8019 Medina Avenue (Ward 7)

Patricia Taylor, owner, appeals to enclose an existing 6' x 22' second story front porch of an existing 2-story and 2 family dwelling house all situated on a 30' x 73' parcel located in a Two-Family District on the north side of Medina Avenue at 8019 Medina Avenue; said construction being contrary to the Yards and Courts Requirements of Section 357.13(b)(4)(2), where enclosed front porches may project not more than 4' and no aggregate a vertical area in any story more than 20% of the area of the facade in that story and contrary to the Nonconformance Re-

quirements, where an existing non-conforming side yard of 0' is proposed and 3' is required as stated in Section 359.01 of the Codified Ordinances.

**Calendar No. 02-236:** 10005 Lorain Avenue (Ward 18)

Clyde Gazda, owner, appeals to establish use of an existing approximate 40' x 126' irregular shaped parcel as a parking lot for 8 cars all located in a General Retail Business District on the south side of Lorain Avenue at 10005 Lorain Avenue; said parking lot being contrary to the Landscaping and Screening Requirements of Sections 352.08 through 352.10, where an 8' transition landscape strip is required to separate the parking lot from the residential district to the east and a 4' high board-on-board fence is proposed and contrary to the Yards and Courts Requirements, where parking is shown within the 10' setback area and parking is not permitted within the 10' setback area as stated in Section 357.14 of the Codified Ordinances.

**Calendar No. 02-237:** 5912 Utica Avenue (Ward 7)

Barbara K. Thompson, owner, appeals to construct a 20' x 20' one-story detached garage on a 60' x 72' parcel to the east of an existing one family dwelling house all located in a One-Family District on the south side of Utica Avenue at 5912 Utica Avenue; said construction being contrary to the Residential District Requirements, where the proposed garage is 28' from the front property line and 30' is required and accessory buildings shall be located on the rear half of the lot as stated in Section 337.23(A) of the Codified Ordinances.

**Calendar No. 02-238:** 14500 Puritas Avenue (Ward 20)

Paul Haddad, owner and Whitey Miller, tenant, appeal to establish an existing 24' x 34' two-story, frame dwelling as office use for a palm reader advisor facility, all situated on an approximate 87' x 120' irregular shaped parcel located in a General Retail Business District on the north side of Puritas Avenue at 14500 Puritas Avenue; said change of use being contrary to the Off-Street Parking and Loading Requirements of Section 349.04(g), where 2 parking spaces are required and 1 is credited, leaving 1 required space and Section 349.07, where all parking spaces and vehicle maneuvering areas shall be hard surfaced and drain within the premises and contrary to the Landscaping and Screening Requirements, where a 10' wide transition strip is required at the rear of the property between the General Retail Business District and the One Family District as stated in Section 352.09 of the Codified Ordinances.

**Calendar No. 02-239:** 16606 South Waterloo Road (Ward 11)

Joe Mobily, owner, appeals to change the use of an existing approximate 21' x 38' one-story office building into a truck sales building and wrecking yard, all situated on an approximate 511' x 172' irregular shaped parcel located in a Semi-Industry and General Industry District on the south side of Water-

loo Road at 16606 South Waterloo Road; said change of use being contrary to the Industrial District Requirements of Section 345.03, where wrecking or dismantling of motor vehicles is not permitted in a Semi-Industry District but first permitted in a General Industry District if enclosed within a minimum 7' high solid masonry wall or slightly solid non-transparent fence as stated in Section 345.04(a)(4) of the Codified Ordinances.

**Calendar No. 02-240:** 7925 Spafford Avenue (Ward 12)

Gwendolyn Goins, owner c/o James Randall, agent, appeals to install approximately 86 linear feet of 4' high chain link fencing to the west, east and south of a 35' x 85' parcel located in a Two-Family District on the north side of Spafford Avenue at 7925 Spafford Avenue; said installation being contrary to the Fence Regulations, where a chain link fence is proposed and fences in a residential district shall be ornamental as stated in Section 358.04(c)(1) of the Codified Ordinances.

**Calendar No. 02-241:** 13228 Lorain Avenue (Ward 19)

Keith Balski, owner, appeals to construct a 20' x 30' one-story garage with a 14' x 20' concrete parking area all to the rear of an existing 20' x 40' office building all situated on a 20' x 100' parcel located in a General Retail Business District on the north side of Lorain Avenue at 13228 Lorain Avenue; said construction being contrary to the Business District Requirements, where the proposed use is insulation contracting and is not permitted in a General Retail Business District as stated in Section 343.11 of the Codified Ordinances.

**Calendar No. 02-242:** 10307 Detroit Avenue (Ward 19)

Chicle Properties, owners c/o Doug Moltz, agent, appeal to construct an 85' x 100' fourteen-story addition on top of an existing five-story building all situated on an acreage parcel located in a Residence Office District on the south side of Detroit Avenue at 10307 Detroit Avenue; said construction being contrary to the Height Regulations of Section 353.01, where the existing building is in a "2" Height District where buildings shall not exceed 60' in height and a 205' height is proposed and contrary to the Area Requirements of Section 355.04, where the maximum gross floor area of a building shall not exceed one-half the total lot area in a "C" District and 125,234 sq. ft. is proposed and contrary to the Yards and Courts Requirements, where a rear yard equal to one-half of the height of the main building is required as stated in Section 357.08 of the Codified Ordinances.

**Calendar No. 02-243:** 1355 West 70th Street (Ward 17)

Our Lady of Mt. Carmel, owner c/o of Carmen Fiorilli, agent, appeals to construct an approximate 62' x 147' one-story, masonry school building addition to an existing elementary school building all situated on an approximate 193' x 646' parcel located in a Multi-Family District on the east side of West 70th Street at



1355 West 70th Street; said addition being contrary to the Residential District Requirements, where the proposed school building is 0' away from an adjoining premises and school buildings must be at least 15' away from an adjoining premises in a Residence District as stated in Section 337.08(e)(2)(3) of the Codified Ordinances.

**Calendar No. 02-268:** 18501 Neff Road (Ward 11)

Tops Markets LLC, owner c/o John Crook, agent, appeals to construct a 210' x 273' one-story grocery store building and a 328 space parking lot all situated on an irregular shaped acreage corner parcel located in a Local Retail Business District and a Two-Family District on the northeast corner of East 185th Street and Neff Road at 18501 Neff Road; said construction being contrary to the Residential District Requirements of Section 337.03, where a grocery store is not permitted in a Two-Family District and contrary to the Business District Requirements of Section 343.18(d), where the maximum width of driveways is 30' and driveways of 60' and 45' are proposed and contrary to the Sign Regulations of Section 350.16, where signs in a Design Review District require separate City Planning review and approval for signage and contrary to the Landscaping and Screening Requirements, where no island landscaped strips are provided and island landscaped strips are required in parking lots separated by no more than 20 parking spaces as stated in Section 352.10 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, SEPTEMBER 16, 2002**

At the meeting of the Board of Zoning Appeals on Monday, September 16, 2002, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 02-219:** 15700 South Waterloo Road

Glenn Properties, owner, and Jergens, Inc. tenant, appealed to install a 14' x 42' permanent display banner on an existing building in a General Industry District; subject to conditions.

**Calendar No. 02-221:** 18800 Puritas Avenue

Geraldine Messeri appealed to construct a 5' x 7'-10" open front porch to a 1 1/2 dwelling house in a One-Family District.

**Calendar No. 02-222:** 997 Lakeview Road

Greater New Zion Baptist Church appealed to construct a 50' x 100' one-story masonry church building on a 152' x 200' parcel in a Local Retail Business District.

**Calendar No. 02-224:** 4465 Broadview Road

Tim Tsirambidis appealed to change the use of a 25' x 35' one-

story store building on a 35' x 118' parcel into a coffee shop in a Local Retail Business District.

The following appeal was **Denied:**

**Calendar No. 02-223:** 12222 Lorain Avenue

Edward Krivec, owner, and Donald Folmer, tenant, appealed to change the use of a first floor 750 sq. ft. tenant space area into a tattoo and body piercing shop on a 50' x 118' parcel in a General Retail Business District.

The following appeal was **Withdrawn:**

**Calendar No. 02-220:** 4036 West 144th Street

Clarence and Pamela Graham appealed to install 40 linear feet of 6' high wood fencing to the side yard of a 50' x 105' parcel in a One-Family District.

The following appeals were **Dismissed:**

**Calendar No. 02-218:** 18417 Rockland Avenue

Kevin Claypoole appealed to construct a 10' x 28' open front porch to a 28' x 37' one dwelling house in a One-Family District.

**Calendar No. 02-165:** 1702 Urbana Road

Urbana Inc., owner, and Renegades Motorcycle Club, tenant, appealed to change the use of a 44'-6" x 82' one-story metal frame building to a motorcycle recreation club and motorcycle repair on a 100' x 178' parcel in a General Industry District.

The following appeals were **Postponed:**

**Calendar No. 02-225:** 3380 West 65th Street postponed to October 14, 2002.

**Calendar No. 02-160:** 10318-20 Lorain Avenue postponed to October 14, 2002.

**Calendar No. 02-192:** 3123 Woodbine Avenue postponed to October 14, 2002.

**On Monday, September 16, 2002, in Executive Session:**

The following appeals were heard by the Board on Monday, September 9, 2002, and said decisions were adopted and approved in Executive Session on September 16, 2002:

The following appeals were **Approved:**

**Calendar No. 02-170:** 3586 East 112th Street

Charles and Rachel Lesley, owners, appealed to enclose an 8' x 24' front porch of a 24' x 29' one dwelling house in a Two-Family District.

**Calendar No. 02-211:** 3228 Berea Road

Michael Baker, owner, appealed to construct a 24' x 26' x 18' high two car garage to the rear of a 52' x 147' parcel in a Two-Family District.

**Calendar No. 02-212:** 3375 West 118th Street

Hanna Gereby, owner, appealed to install 14 linear feet of 7' high board on board fencing at the rear of a 35' x 105' parcel in a One-Family District.

**Calendar No. 02-214:** 2013 Columbus Road

Morgan Services, Inc., owner, appealed to construct a 115' x 160' forty-three space parking lot to the south of an existing parking lot in split zoning between Multi-Family and Semi-Industry Districts.

**Calendar No. 02-217:** 1147 East 113th Street

James Boddy, owner, appealed to install 25 linear feet of 3' high chain link fencing with a gate to the west of a 35' x 105' parcel in a Two-Family District.

**Calendar No. 02-163:** 14401 Harvard Avenue

George Clement, owner, and Joe Sanders, tenant, appealed to change the use of a one-story masonry service station building into a restaurant on a 120' x 144' parcel located in split zoning for Local Retail Business and One-Family Districts; subject to conditions.

The following appeal was **Denied:**

**Calendar No. 02-216:** Appeal of Mystic Knights, Inc.

Mystic Knights, Inc., d.b.a. Camelot Town Hall appealed from a refused application for a Dance Hall License for the location at 11417 Miles Avenue.

The following appeal was **Reinstated:**

**Calendar No. 02-215:** 1845 West 45th Street

Ryan McKenzie appealed to construct a 24' x 32' two-story frame two car garage with a single dwelling unit in the second story in a Two-Family District.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD  
OF BUILDING STANDARDS  
AND BUILDING APPEALS**

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

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, SEPTEMBER 25, 2002

**Clark Commons**, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 1017-2000.

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

September 11, 2002 and September 18, 2002

#### FRIDAY, SEPTEMBER 27, 2002

**Building Materials**, for the Various Division of City Government, Department of Finance, as authorized by Ordinance No. 745-01.

THERE WILL BE A MANDATORY PRE-BID MEETING ON THURSDAY, SEPTEMBER 19, 2002 AT 10:30 A.M., ROOM 104, DEPARTMENT OF FINANCE, CONFERENCE ROOM, LOCATED AT 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

September 11, 2002 and September 18, 2002

#### WEDNESDAY, OCTOBER 2, 2002

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

**Number 2 Dyed Low Sulfur Diesel Fuel**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 528-02, passed by the Council of the City of Cleveland, April 22, 2002.

September 11, 2002 and September 18, 2002

#### FRIDAY, OCTOBER 4, 2002

**Purchase & Installation of Dishwasher**, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 1203-2000, passed by the Council of the City of Cleveland, August 7, 2000.

September 11, 2002 and September 18, 2002

#### WEDNESDAY, OCTOBER 9, 2002

**Phase II Residential Sound**, for the Department of Port Control, as authorized by Ordinance No. 930-95, 469-98, 327-00.

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

THERE WILL BE A PRE-BID MEETING ON TUESDAY, SEPTEMBER 24, 2002 AT 12:00 P.M., AT C & S ENGINEERS OF OHIO, INC., MAIN CONFERENCE ROOM, LOCATED ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

September 11, 2002 and September 18, 2002

#### THURSDAY, OCTOBER 10, 2002

**Paper Products**, for the Various Division of City Government, Department of Finance, as authorized by Ordinance No. 1062-02, passed by the Council of the City of Cleveland, June 17, 2002.

September 11, 2002 and September 18, 2002

#### THURSDAY, SEPTEMBER 26, 2002

**2003 Criminal and Civil Filing System**, for the Division of Municipal Court, Department of Finance, as authorized by Ordinance No. 677-02, passed by the Council of the City of Cleveland, June 10, 2002.

THERE WILL BE A MANDATORY PRE-BID MEETING AT 9:30 A.M. ON FRIDAY, SEPTEMBER 20, 2002 AT CLEVELAND MUNICIPAL CLERK OF COURTS, LOCATED AT 1200 ONTARIO, LEVEL TWO, CLEVELAND, OHIO 44113. BID PACKAGES WILL BE GIVEN OUT AT THE PRE-BID MEETING.

September 18, 2002 and September 25, 2002

#### WEDNESDAY, OCTOBER 9, 2002

**Handheld Radar Units & Battery Handles and Chargers**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1265-01, passed by the Council of the City of Cleveland, on June 19, 2001.

**Handheld Laser Units and Battery Modules**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1265-01, passed by the Council of the City of Cleveland, on June 19, 2001.

**Water Tank Rehabilitation**, for Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1881-98.

THERE WILL BE A REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00).

A PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 4, 2002 AT 10:00 A.M. AT THE DIVISION OF WATER, ENGINEERING CONFERENCE ROOM, CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 1ST FLOOR CONFERENCE ROOM, CLEVELAND, OHIO.

**City Council Office Renovations**, Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1391-02.

THERE WILL BE A REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00).

A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 26, 2002 AT 2:00 P.M., LOCATED AT CITY OF CLEVELAND, CITY COUNCIL, 601 LAKESIDE AVENUE, ROOM 216, CITY HALL BUILDING, CLEVELAND, OHIO 44114.

September 18, 2002 and September 25, 2002

#### FRIDAY, OCTOBER 11, 2002

**Paint and Paint Removal on Roadways, Runways, and Other Paved Areas**, Division of Cleveland Hopkins Airport, Department of Port Control, as authorized by Ordinance No. 128-02.

THERE WILL BE A PRE-BID MEETING ON FRIDAY, OCTOBER 4, 2002, AT 1:00 P.M. AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT, LOCATED AT 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

September 18, 2002 and September 25, 2002

#### WEDNESDAY, OCTOBER 16, 2002

**Two (2) Continuous Particulate Monitors**, Division of Environment, Department of Public Health, as authorized by Ordinance No. 993-02, passed by the Council of the City of Cleveland, June 10, 2002.

**One (1) Speciation Aerosol Sampling Monitor**, Division of Environment, Department of Public Health, as authorized by Ordinance No. 993-02, passed by the Council of the City of Cleveland, June 10, 2002.

**12,000 Pound Lift Truck**, Division of Motor Vehicle Maintenance, Department of Public Safety, as authorized by Ordinance No. 1264-01 & 1068-02, passed by the Council of the City of Cleveland, June 19, 2001 and July 17, 2002.

September 18, 2002 and September 25, 2002

#### THURSDAY, OCTOBER 17, 2002

**Front End Loaders and Roll-Off Containers**, Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 1424-02, passed by the Council of the City of Cleveland, July 17, 2002.

September 18, 2002 and September 25, 2002

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 1753-02.**

**By Council Member Britt.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 2181 Murray Hill Road and Patio.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Suppers Ready, Inc., DBA Salvatores Ristorante, 2181 Murray Hill Road and Patio, Cleveland, Ohio 44106, Permanent Number 8709410 to Gargiso Properties II Ltd., 2181 Murray Hill Road and Patio, Cleveland, Ohio 44106, Permanent Number 3052797; 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 renewal of a C1 Liquor Permit, Permit No. 8916606 owned by 3077 East 65th Street, Inc., DBA Mena's Market, 3077 East 65th Street, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and

intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**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 September 9, 2002.

Effective September 13, 2002.

**Res. No. 1754-02.**

**By Council Member Britt.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor permit at 7904 Cedar Avenue and repealing Resolution No. 1157-02, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 7904 Cedar Avenue by Resolution No. 1157-02 adopted by Council on June 3, 2002; and

Whereas, this Council wishes to withdraw its objection to the above transfer and hereby consents to said transfer pursuant to the Cooperation Agreement by and through Patricia J. Britt and Naser Jaber, President, Jabco, Inc., Cleveland, DBA Cedars Finest, 7904 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 4189180, and executed by the Department of Law; and

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 7904 Cedar Avenue be and the same is hereby withdrawn and Resolution No. 1157-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted September 9, 2002.

Effective September 13, 2002.

**Res. No. 1755-02.**

**By Council Members Cintron, Zone, Cimperman, Coats, Conwell, O'Malley, Pierce Scott, Westbrook, Sweeney, Gordon, Lewis, Dolan, Brady and Britt.**

**An emergency resolution urging Cargill Deicing Technology to restore former strikers to their rightful jobs, urging the Mayor of the City of Cleveland to refrain from purchasing salt from Cargill until the former strikers are returned to their jobs, and urging the federal government to investigate Cargill's compliance with federal laws and regulations.**

Whereas, the right to strike and bargain collectively without retaliation from employers is a fundamental democratic principle enshrined in federal labor law; and

Whereas, 165 workers employed by Cargill Deicing Technology ("Cargill") and members of Teamsters Local 436, who perform extremely difficult labor in the salt mines under Lake Erie, went on strike May 6, 2002 to defend their working conditions, seniority rights and living standards; and

Whereas, as a result of such strike Cargill proceeded to hire armed guards and imported out-of-state strike breakers; and

Whereas, the workers voted on August 13, 2002 to return to their jobs and were told by Cargill that they could do so; and

Whereas, upon returning to work, the workers were told that only 26 workers would be rehired and that the remaining jobs would be given to the strikebreakers; and

Whereas, this Council considers such action a violation of community standards of fairness and the rights of working people; and

Whereas, these actions of Cargill cause this Council to question Cargill's compliance with federal safety laws and regulations enacted to protect workers; 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 this Council urges Cargill to reconsider its decision to rehire only a small percentage of the workers who participated in strike activities and urges Cargill to restore all of the former strikers to their rightful jobs.

**Section 2.** That this Council urges the Mayor of the City of Cleveland to refrain from purchasing salt from Cargill until the former strikers are returned to their jobs.

**Section 3.** That this Council urges the federal government to investigate Cargill's compliance with federal laws and regulations governing employee safety, mine health and safety, rail and transportation safety, and environmental protection.

**Section 4.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Cargill Deicing Technology, U.S. Senator Michael DeWine, U.S. Senator George Voinovich, Congressman Dennis Kucinich, Congresswoman Stephanie Tubbs-Jones, Congressman Steven LaTourette, Congressman Sherrod Brown, Cuyahoga County Commissioner Jimmy Dimora, Cuyahoga County Commissioner Tim McCormack, and Cuyahoga County Commissioner Peter Lawson Jones.

**Section 5.** 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 September 9, 2002.

Effective September 13, 2002.

**Res. No. 1756-02.**  
**By Council Members Conwell and Brady.**

An emergency resolution supporting area seniors in their efforts to obtain approval from the State Attorney General of a petition to the Ohio legislature for a discount plan for prescription drug prices and encouraging the State Attorney General to quickly determine the accuracy of the description of the proposed law so that said seniors can meet the December deadline in which to obtain signatures to place the Prescription Drug Fair Pricing Act before the state legislature during its upcoming session.

Whereas, seven weeks ago, area seniors submitted a petition to State Attorney General Betty Montgomery requesting that she review the description of a proposed law that would discount prescription drug prices for seniors; and

Whereas, the Attorney General must review and determine whether the description of the proposed law is fair and accurate; and

Whereas, after such determination is made, seniors and other supporters of the proposed law, known as the Prescription Drug Fair Pricing Act, may collect signatures in order to place said proposed law before the state legislature during its upcoming session; and

Whereas, supporters of the proposed law must collect 100,626 signatures from half of Ohio's counties by December so that lawmakers can take up the proposal at their next session; and

Whereas, this Council understands that this is a complicated issue and that the Attorney General must ensure that the language describing the proposed law is clear; and

Whereas, given the number of signatures required and that there are less than three months to collect the signatures, and given that the Attorney General has already had the proposed language before her for seven weeks, it is not unreasonable to request that the Attorney General move forward quickly in making her determination; 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 this Council hereby supports area seniors in their efforts to obtain approval from the State Attorney General of a petition to the Ohio legislature for a discount plan for prescription drug prices and encourages the State Attorney General to quickly determine the accuracy of the description of the proposed law so that said seniors can meet the December deadline in which to obtain signatures to place the Prescription Drug Fair Pricing Act before the state legislature during its upcoming session.

**Section 2.** That the Clerk of Council is hereby directed to forward a copy of this resolution to Betty Montgomery, Attorney General 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 September 9, 2002.  
 Effective September 13, 2002.

**Res. No. 1757-02.**  
**By Council Member Conwell.**  
**An emergency resolution urging the Congress of the United States to spend more federal dollars on research for the prevention and cure of pancreatic cancer and urging that such research be done in the name of Gloria Rollins Conwell, a pancreatic cancer patient.**

Whereas, the pancreas is an organ of the digestive system; and

Whereas, approximately 27,000 people are diagnosed with pancreatic cancer annually; and

Whereas, approximately 27,000 people die annually from pancreatic cancer; and

Whereas, pancreatic cancer is the fifth leading cause of cancer deaths following breast cancer, lung cancer, colon cancer and prostate cancer; and

Whereas, those that have a history of smoking, high intakes of meat and fat, cirrhosis, chronic pancreatitis, diabetes and surgery to the upper digestive tract are more at risk of getting pancreatic cancer; and

Whereas, for unknown reasons, pancreatic cancer has great potential to invade and spread very early; however, pancreatic cancer does not manifest specific symptoms until late in the disease, usually proceeding silently and going unnoticed until late in the disease; and

Whereas, pancreatic cancer is notorious in its ability to resist many chemotherapy drugs; and

Whereas, due to difficulties in diagnosis, the intrinsic aggressive nature of pancreatic cancers and the sparse systemic treatment options available, only approximately 4% of patients diagnosed with pancreatic cancer will be alive five years after diagnosis; 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 the Council of the City of Cleveland hereby urges the Congress of the United States to spend more federal dollars on research for the prevention and cure of pancreatic cancer and further urges such research to be done in the name of Gloria Rollins Conwell, a pancreatic cancer patient.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to the appropriate members of the United States Congress.

**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 September 9, 2002.  
 Effective September 13, 2002.

**Res. No. 1758-02.**  
**By Council Member Jackson.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 2474 East 40th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Robert L. Ferrell, DBA Ferrell's Grocery, 4126 East 146th Street, 1st Floor only, Cleveland, Ohio 44128, Permanent Number 2694598 to 2474 East 40th Street, Inc., DBA Plaza Beverage, 2474 East 40th Street, Cleveland, Ohio 44104, Permanent Number 9116690; 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 C2 and C2X Liquor Permit from Robert L. Ferrell, DBA Ferrell's Grocery, 4126 East 146th Street, 1st Floor only, Cleveland, Ohio 44128, Permanent Number 2694598 to 2474 East 40th Street, Inc., DBA Plaza Beverage, 2474 East 40th Street, Cleveland, Ohio 44104, Permanent Number 9116690; 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 September 9, 2002.

Effective September 13, 2002.

**Res. No. 1759-02.**

**By Council Member Reed.**

**An emergency resolution designating September 11th of each year as "The Spirit of the American Family Day" and encouraging the U.S. Congress to designate September 11th of each year as "The Spirit of the American Family Day".**

Whereas, the events of September 11, 2001 resulted in many Americans recognizing the importance of family in their lives; and

Whereas, unfortunately, over two thousand individuals lost their lives in the September 11, 2001 attacks and the families of these individuals must confront their loss on a daily basis; and

Whereas, in the days, weeks, and months following the tragic events of September 11, 2001, the spirit of the American family has been revitalized in that Americans are spending more time with their family members and expressing an appreciation for their family; and

Whereas, Americans will remember the victims of September 11, 2001, and their families, on September 11th of each year; and

Whereas, it is appropriate for such remembrance to be coupled with an appreciation of family and an acknowledgment of the resilient spirit of the American family; and

Whereas, designating September 11th of each year as "The Spirit of the American Family Day" will honor all victims of the September 11, 2001 attacks and will encourage Americans to appreciate their families; 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 this Council hereby designates September 11th of each year as "The Spirit of the American Family Day" in the City of Cleveland.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of the resolution to the members of the United State Senate and the United States House of Representatives who represent the City of Cleveland along with a letter encouraging them to introduce and support a resolution in Congress declaring September 11th of each year as "The Spirit of the American Family Day".

**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 September 9, 2002.

Effective September 13, 2002.

**Res. No. 1761-02.**

**By Council Member Johnson.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road, 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Woddi II, Inc., DBA Cousins Superette, 9621 Mt. Auburn Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 9725521 to East 97th Food Market, Inc., DBA Eastside Market, 9621 Mt. Auburn Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 24034660005; 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 C2 and C2X Liquor Permit from Woddi II, Inc., DBA Cousins Superette, 9621 Mt. Auburn Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 9725521 to East 97th Food Market, Inc., DBA Eastside Market, 9621 Mt. Auburn Road, 1st Floor and Basement, Cleveland, Ohio 44104, Permanent Number 24034660005; 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 September 9, 2002.

Effective September 13, 2002.

**Res. No. 1762-02.**

**By Council Member Zone.**

**An emergency resolution objecting to a New C2 Liquor Permit to 4810 Bridge Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit to Katherine D. Harrison, DBA West 48th Street Marathon, 4810 Bridge Avenue, Cleveland, Ohio 44102, Permanent Number 3632975; 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 a New C2 Liquor Permit to Katherine D. Harrison, DBA West 48th Street Marathon, 4810 Bridge Avenue, Cleveland, Ohio 44102, Permanent Number 3632975, 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 September 9, 2002.

Effective September 17, 2002.

**Res. No. 1763-02.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to the issuance of a New C1 Liquor Permit to 4200 West 130th Street and repealing Resolution No. 1155-02, objecting to said issuance.**

Whereas, this Council objected to the issuance of a New C1 Liquor Permit to 4200 West 130th Street by Resolution No. 1155-02 adopted by Council on June 3, 2002; and

Whereas, this Council wishes to withdraw its objection to the above issuance and hereby consents to said issuance; 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 issuance of a New C1 Liquor Permit to 4200 West 130th Street be and the same is hereby withdrawn and Resolution No. 1155-02, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1812-2000.**

**By Council Members Melena and Zonc.**

**An ordinance to establish a Planned Unit Development (PUD) Overlay District and approve the corresponding Planned Unit Development project on properties bound by W. 53rd Street, Walworth Avenue, S.E., Fenwick Avenue, S.E., Junction Road, S.E. and the Railroad tracks and to change the Use District of said lands. (Map Change No. 2018, Sheet No. 1)**

Whereas, Ameri-Con Homes has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties bound by West 53rd Street, Walworth Avenue, S.E., Fenwick Avenue, S.E., Junction Road, S.E. and the railroad

tracks, and construction of a PUD project to be known as, on said properties; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council in whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and,

Whereas, the Council of the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meet the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976; now, therefore:

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

**Section 1.** That the area outlined on the site plan and described in the legal description contained in Map Change No. 2018, and known as the Joseph & Feiss project be and the same is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio 1976.

**Section 2.** That the designation of land described in Section 1 and as outlined in red on the map attached hereto shall be identified as Map Change No. 2018, Sheet No. 1 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 in the office of the City Planning Commission.

**Section 3.** That the PUD project depicted in the site plan contained in the above mentioned file which has been proposed for the PUD Overlay District created by Section 1, and which is to be known as Joseph & Feiss project.

**Section 4.** That the Use District of land bounded and described as follows,

Beginning at the intersection of the center line of West 53 Street and the center line of Walworth Avenue, S.W.; thence easterly and southeasterly along said center line of Walworth Avenue, S.W. to its intersection with the southwesterly extension of the northwesterly line of Sublot No. 317 in the Taylor and Hoyt Subdivision as recorded in Volume 1, Page 20 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said northwesterly line of said Sublot No. 317 and along its northeasterly extension to the center line of Fenwick Avenue, S.W.; thence southeasterly along said center line of Fenwick Avenue, S.W. to its intersection with the northeasterly extension of the southeasterly line of Sublot No. 311 in said Taylor and Hoyt Subdivision; thence southwesterly along said northeasterly extension and along said southeasterly line of said Sublot No. 311 and along its southwesterly extension to said center line of Walworth Avenue, S.W.; thence southeasterly along said center line of Walworth Avenue, S.W. to the center line of Junction Road, S.W.; thence southwesterly along said center line of Junction Road, S.W. and along its southwesterly extension to the center line of Cleveland, Cincinnati, Chicago and St. Louis Railroad tracks; thence southwesterly along

said center line of said Cleveland, Cincinnati, Chicago and St. Louis Railroad tracks to said center line of West 53 Street; thence northerly along said center line of West 53 Street to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a RA2 Use District.

**Section 5.** That said changed designation of lands described in Section 4 shall be identified as Map Change No. 2018, Sheet No. 1 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 6.** That no building permit shall be issued by the City of Cleveland for property located within the RA2 District established by this ordinance unless the building permit application confirms with the PUD project plan approved by this ordinance.

Unless a building permit for such development is issued within twelve (12) months from the effective date of approval of this ordinance, or within such extension as may be approved by the Planning Commission, the Use District approved herein shall be void and the zoning shall revert to the classification that existed prior to the approval of this ordinance.

**Section 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed September 9, 2002.

Effective October 19, 2002.

**Ord. No. 1736-02.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Critters Walk on September 29, 2002, sponsored by The Animal Foundation of Cleveland and Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruising for the Critters Walk, sponsored by The Animal Foundation of Cleveland and Hermes Race Systems, on September 29, 2002, beginning at Abbey to West 11th Street to Kenilworth to West 14th Street to Starkweather to West 11th Street to Literary to West 3rd Street to Commercial to West 3rd Street to Literary, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in

form satisfactory to the Director of Law.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1737-02.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Get Fit With Firemen on September 15, 2002, sponsored by the Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Get Fit With Firemen, sponsored by the Hermes Race Systems, on September 15, 2002, beginning at Lakeside Avenue to East 9th Street, East 9th Street to South Marginal, South Marginal to East 38th Street, East 38th Street to King, King to East 33rd Street, East 33rd Street to Lakeside, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1738-02.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Jake to the Rock on September 14, 2002, sponsored by the Hermes Race Systems.**

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

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

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

Council consents to and approves the holding of the Jake to the Rock, sponsored by Hermes Race Systems, on September 14, 2002, beginning at East 9th Street and Carnegie Avenue and running down East 9th Street and finishing in front of the Rock and Roll Hall of Fame, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1739-02.**

**By Council Member Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Rocco's Church to hang 17-banners on Cleveland Public Power and Cleveland Electric Illuminating utility poles (by separate permissions) publicizing their Annual Festival for the period of August 31, 2002 to October 31, 2002, inclusive.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to St. Rocco's Church 3205 Fulton Road, Cleveland, Ohio 44109, to install, maintain and remove 17-banners to be placed on Cleveland Public Power and Cleveland Electric Illuminating Company utility poles, (by separate permission), for the period of August 31, 2002 to October 31, 2002, inclusive, publicizing their Annual Festival, and which banners are to be placed at the following pole locations and on the following pole numbers: 2nd pole-3184 Fulton, No pole #; Fulton & Hyde-West side, AOM 6338; Fulton & Hyde-East side, No pole #; 3223 Fulton Rd., No pole # (CEI); 3213 Fulton Rd., No pole #; 3202 Fulton Rd., No pole #; St. Rocco Ct.-North side, 2nd pole, No pole # (CEI); St. Rocco Ct.-1st pole off Fulton South side, A06346; Fulton Rd.-2nd pole South of Trent, (West side), No pole #; 3213 Fulton Rd., #14272 (CEI); 3174 Fulton Rd., A0639; 3180 Fulton Rd., No pole #; 3184 Fulton Rd., A06310; 3205 Fulton Rd., A06344; 3238 Fulton Rd., No pole #; 3180 Fulton Rd., No pole #; Fulton & Hyde-West

side, No pole #; and which pole locations and banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign(s) erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be placed must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner(s), and said banner(s) 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1740-02.**

**By Council Member Cintron.**

**An emergency ordinance consenting and approving the issuance of a permit for the St. Ignatius/Cats in the Flats on September 22, 2002, sponsored by St. Ignatius High School.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the St. Ignatius/Cats in the Flats Run, sponsored by St. Ignatius High School, on September 22, 2002, beginning at St. Ignatius High School West 30th Street and Lorain, proceed east on Lorain across West 25th Gehring (RTA Rapid Station), right onto Gehring to Abbey, left onto Abbey to Columbus, left on Columbus to Carter Road, right onto Carter Road to Scranton, right onto Scranton to Kenilworth, left onto Kenilworth to Literary, bear left onto Literary to Professor, right onto Professor to Jefferson, right onto Jefferson to Starkweather, right onto Starkweather to Scranton, right onto Scranton to Willey/Kenilworth, left onto Willey to Train Avenue, right onto Train Avenue, to Scranton, left onto Scranton to Carter, left on Carter to Columbus, left onto Columbus to Abbey, right on Abbey to Gehring, right on Gehring to Lorain, left on Lorain to West 29th, right onto St. Ignatius track and finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the

extent and in form satisfactory to the Director of Law.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1741-02.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with National Urban Fellows, Inc. for participation in a mentoring program and to make payment to National Urban Fellows Inc. in the amount of \$60,000 as a mentor contribution.**

Whereas, the National Urban Fellows program is a nationally recognized mentoring program helping students obtain experience in government and other fields; and

Whereas, the City of Cleveland has participated in previous years in this program; and

Whereas, participation in the National Urban Fellows program allows Council to obtain the services of intelligent, eager young people at minimal cost; and

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with National Urban Fellows, Inc. for participation in a mentoring program from September 1, 2002 through May 30, 2003.

**Section 2.** That the cost of said contract shall not exceed \$60,000 and shall be payable from Fund No. 01, Subclass 001.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1742-02.**

**By Council Member O'Malley.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Leo's Church to stretch a banner at 4900 Broadview Road, for the period from September 18, 2002 to October 25, 2002, inclusive, publicizing the St. Leo the Great Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to St. Leo Church to install, maintain and remove a banner at 4900 Broadview Road, for the period from September 18, 2002 to October 25, 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1743-02.**

**By Council Member Westbrook.**

**An emergency ordinance to amend Section 2 of Ordinance No. 746-2000, passed June 12, 2000, as amended by Ordinance No. 1596-02, passed August 14, 2002, relating to authorizing a requirement contract or labor and materials needed to install street lighting bases and pull boxes for the Division of Cleveland Public Power.**

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

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

**Section 1.** That Section 2 of Ordinance No. 746-2000, passed June 12, 2000, as amended by Ordinance No. 1596-02, passed August 14, 2002, is amended to read as follows:

**Section 2.** That the cost of said contract shall be paid from Fund Nos. 20 SF 182, 20 SF 194, 20 SF 301, 20 SF 311, 20 SF 321, 20 SF 333, 20 SF 341, 20 SF 352, 20 SF 363 and 20 SF 372 (RL 125712) in an amount not to exceed \$250,000.00 and shall also be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. All expenditures under the two year contract authorized herein shall not exceed \$1,750,000.00. In the event that a contract for less than two years is entered into, all expenditures under such contract and authorized herein, shall not exceed \$875,000.00 (RL 16533).

**Section 2.** That existing Section 2 of Ordinance No. 746-2000, passed June 12, 2000, as amended by Ordinance No. 1596-02, passed August 14, 2002, is repealed.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1744-02.**

**By Council Member Jackson.**

**An emergency ordinance authorizing the purchase by contract of archival storage and retrieval systems and equipment for Cleveland City Council.**

Whereas, Ordinance No. 1213-02, passed June 10, 2002, authorizes the public improvement of renovating space in the Convention Center to relocate City Council Archives; and

Whereas, such improvement requires the purchase of archival storage and retrieval systems and equipment; and

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

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

**Section 1.** That the Director of Finance and the Clerk of Council are hereby authorized to enter into a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of archival storage and retrieval systems and equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for Cleveland City Council. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract or by separate contract for each or any combination of said items as the Board of Control shall determine.

**Section 2.** That the cost of said contract or contracts hereby authorized shall be paid from Fund No. 20 SF 340, Request No. 115129.

**Section 3.** That pursuant to section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Finance and Clerk of Council may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts and may enter into contract with the vendors selected through that cooperative process.

**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 September 9, 2002.

Effective September 13, 2002.



**Ord. No. 1745-02.**  
**By Council Member Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Steven Muhammad (Hill)).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 5: Steven Muhammad (Hill).

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

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it received 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1746-02.**  
**By Council Member Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Siene Rousseau).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public

rights of way of Ward 5: Siene Rousseau.

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

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it received 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1747-02.**  
**By Council Member Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Robert Orr, Jr.)**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: Robert Orr, Jr. at Woodland Avenue and Beaver Avenue.

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

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it received 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1748-02.**  
**By Council Member Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Antonio Wilson).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 5: Antonio Wilson.

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

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it received 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1749-02.**  
**By Council Member Scott.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 8. (Rolonda Robinson).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 8; and

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

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

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 8: Rolonda Robinson.

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

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it received 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1750-02.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 20. (Jim Munas).**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 20; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 20: Jim Munas at West 150th Street and Puritas Avenue.

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

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

**Section 4.** That this ordinance is declared to be an emergency measure and, provided it received 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 September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1751-02.**

**By Council Member Westbrook.**

**An emergency ordinance amending the Title and Section 1 of Ordinance 1426-02, passed July 17, 2002 as it pertains to the Kirby Manor Elderly/Multi-family Rehabilitation Project through the use of Ward 18 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Title and Section 1 of Ordinance No. 1426-02, passed

July 17, 2002, are hereby amended to read respectively as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Cudell Improvement, Inc. for the Kirby Manor Elderly/Multi-family Rehabilitation Project through the use of Ward 18 Neighborhood Equity Funds.

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Cudell Improvement, Inc. for the Kirby Manor Elderly/Multi-family Rehabilitation Project, for the public purpose of improving the quality of multi-family housing for senior citizens that reside in the City of Cleveland through the use of Ward 18 Neighborhood Equity Funds.

**Section 2.** That the Title and Section 1 of Ordinance No. 1426-02, passed July 17, 2002 are hereby repealed.

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

Passed September 9, 2002.

Effective September 13, 2002.

**Ord. No. 1752-02.**

**By Council Members White and Rybka.**

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept grants from the Clean Ohio Assistance Fund, for Clean Ohio Assessment Grants for Phase II environmental assessments on various areas located within the Slavic Village/Broadway Corridor in Wards 2 and 12 to be used for the future redevelopment of these areas; and authorizing said Director to enter into contracts with Slavic Village Development to implement the projects.**

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 apply for and accept grants in the aggregate amount of \$660,000, from the Clean Ohio Assistance Fund, for Clean Ohio Assessment Grants to conduct the Phase II environmental assessments on various areas located within the Slavic Village/Broadway Corridor in Wards 2 and 12 to be used for the future redevelopment of the following areas:

1. The northwest corner of Broadway Avenue and Warner Road in the Mill Creek Falls area, Project Area 7a;

2. The land north of Beman Avenue and west of Turney Road in Ward 2, Project Area 7b;

3. The corner of Warner and Turney Road, Project Area 7c;

4. The land consisting of six study areas including property along I-77 to the west; Union Avenue to the north; Broadway Avenue to the south; and the Wheeling and Lake Erie Railroad to the East, Project Areas 1-6, for the purposes set forth in the summary and according thereto; that the Director of Economic Development is authorized to file all

papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes set forth in the summary for the grants.

**Section 2.** That the summary for the grants, File No. 1752-02-A, made a part hereof as if fully rewritten herein, is approved in all respects.

**Section 3.** That the Director of Economic Development is authorized to enter into contracts with Slavic Village Development to implement the environmental assessments described in the summary.

**Section 4.** That the contracts authorized by this ordinance shall be prepared by the Director of Law and shall contain terms and conditions as the Director deems necessary to protect and benefit the public interest.

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

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

Passed September 9, 2002.

Effective September 13, 2002.

**COUNCIL COMMITTEE MEETINGS**

**Monday, September 16, 2002  
9:00 A.M.**

**Health and Human Services Committee:** Present: Britt, Chair; Zone, Vice Chair; Scott, Conwell, Polensek, Cintron. Excused: Gordon.

**Monday, September 16, 2002  
11:00 A.M.**

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

**Joint/Aviation & Transportation Committee and Finance Committee:** Present in Finance: Jackson, Chair; Sweeney, Vice Chair; Westbrook, Reed, White, O'Malley, Coats, Britt, Brady, Scott. Excused: Gordon. Present in Aviation: Westbrook, Chair; Sweeney, Vice Chair; Dolan, Britt, Rybka, Reed. Excused: Gordon.

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

**Tuesday, September 17, 2002  
9:30 A.M.**

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

**Wednesday, September 18, 2002  
1:30 P.M.**

**Mayor's Appointment Committee:** Present: Coats, Chair; Reed, Westbrook. Excused: Cintron, Scott.

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O—Ordinance; R—Resolution; F—File

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Broadview Road, 4465, (Ward 15) - Tim Tsirambidis, owner — appeal heard on 09/16/02 (Cal. 02-224) ..... 2079

Columbus Road, 2013, (Ward 14) - Morgan Services, Inc., owners c/o Lawrence Cooper, agent — appeal granted and adopted on 09/16/02 (Cal. 02-214)..... 2079

East 112th Street, 3586, (Ward 3) - Venica Tomas, owner — appeal granted and adopted on 09/16/02 (Cal. 02-170) ..... 2079

East 113th Street, 1147, (Ward 9) - James D. Boddy, owner — appeal granted and adopted on 09/16/02 (Cal. 02-217) ..... 2079

Harvard Avenue, 14401, (Ward 1) - George Clement, owner, and Joe Sanders, tenant — appeal granted and adopted on 09/16/02 (Cal. 02-163) ..... 2079

Lakeview Road, 997, (Ward 9) - Greater New Zion Baptist Church, owner c/o Reverend Will Hamlett — appeal heard on 09/16/02 (Cal. 02-222)..... 2079

Lorain Avenue, 10318-20, (Ward 19) - Joseph Maloney, owner — appeal postponed to 10/14/02 on 09/16/02 (Cal. 02-160) ..... 2079

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Rockland Avenue, 18417, (Ward 21) - Kevin Claypoole, owner — appeal dismissed on 09/16/02 (Cal. 02-218) ..... 2079

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Urbana Road, 1702, (Ward 10) – Urbana Inc., owner c/o Murray Rosenberg and Renegades  
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 (O 1743-02) .....**2086**

**Ward 19**

W. 130th St., 4200 — objection — withdraw (R 1763-02).....**2084**

**Ward 20**

Munas, Jim — peddling (O 1750-02).....**2088**

**Welcome**

Shelton, Hilary O. (R 1877-02).....2066